

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.24554 of 2013(O&M)

Date of Decision:-04.08.2015

Anita Devi & Anr.

.....Petitioners.

Versus

Financial Commissioner, Appeals, Punjab, Chandigarh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sherry K. Singla, Advocate for the Petitioners.

Mr. Suresh Singla, Additional Advocate General, Punjab
for respondent nos.1 to 4.

Mr. Arun Jain, Senior Advocate assisted by
Mr. Abhishek Dhull, Advocate for respondent nos.5 to 9.

Mr. Arvind Kashyap, Advocate for applicants
(in CM No.9614/CWP/2015).

JASWANT SINGH, J.(ORAL)

CM No.9614 of 2015

The applicants in the instant application are seeking their impleadment being successor-in-interest of some of the co-sharers in the present partition proceedings.

In view of the order proposed to be passed today, no orders are required to be passed since they will be put in place of the co-sharers from whom they have purchased property. Hence the application is dismissed

accordingly.

CWP No.24554 of 2013

The two petitioners were impleaded as respondent nos.76 and 77 being daughters of Nand Lal a co-sharer in the joint land having share in 37/201 of 10 Kanal in Khewat No.21 in village Rara, Tehsil Pathankot, District Gurdaspur.

The challenge in the present writ petition is to the order dated 22.08.2013 passed by Financial Commissioner, Appeals, Punjab dismissing the revision as not maintainable, order dated 24.12.2012 (P-5) passed by the learned Commissioner, whereby the orders dated 19.10.2014 (P-4) passed by the Collector as well as dated 27.6.2011 and 10.12.2012 (P-2 & P-6) passed by the Assistant Collector, Ist Grade, Pathankot finalizing the partition proceedings by issuance of *Sanad Takseem* have been passed.

The argument of the learned Counsel for the petitioner is that the petitioners having succeeded the share of Nand Lal in Khewat No.183, however, after finalization of the Naksha Jeen, they have been allotted land in Khewat No.191, qua which they were not concededly recorded as co-sharers.

On the other hand learned Counsel for the contesting respondents states that the projected Khewat wise partition was never objected to at the time when the *Naksha Bay* was prepared by the Assistant Collector, Ist Grade while finalizing the mode of partition. Neither was the proposed mode of partition was ever challenged. Now at this belated stage when the partition proceedings have been finalized and Sanad Takseem issued, the objections cannot be entertained.

After hearing learned Counsel for the parties, this Court is inclined to accept the contention on behalf of the respondents.

Apart from the fact that no objection at the relevant time for partition of land being done Khewat wise was raised no provision of law has been shown at the time of arguments which mandates that partition cannot be based on a share of co-sharer in a particular Khewat. Since large number of co-sharers are involved, the revenue officials keeping in view the respective interest and shares of the parties, partitioned the land and it is not the case of the petitioners that there is any discrepancy in the allotment of shares to the respective co-sharers at the time of allotment/final instrument of partition prepared by AC Grade-I.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

August 04, 2015
Vinay