

CWP-2314-2014

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-2314-2014

Date of Decision: 17.08.2015

Jarnail Singh and another

... Petitioner(s)

Versus

Jamna Bai and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Deepanjay Sharma, Advocate for
Mr. Sandeep Jasuja, Advocate for
the petitioners.

Mr. Sandeep Khunger, Advocate for
LRS of respondent No.1.

Mr. S.S.Chandumajra, DAG, Punjab.

Mr. A.K.Khunger, Advocate,
for respondent No.64.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 10.09.2013 (Annexure P-12) passed by respondent No.2, order dated 18.03.2008 (Annexure P-9) passed by respondent No.3, order dated 28.03.2007 (Annexure P-7) passed by respondent No.4 and order dated 31.01.2006 (Annexure P-4) passed by respondent No.5.

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I have heard learned counsel for the parties and perused the record.

Jamna Bai moved application for partition of land measuring 283 kanals and 2 marlas comprised in different khewats. After filing of the application, notice was issued, various persons appeared and some were proceeded against *ex parte*. The Assistant Collector Ist Grade, Jalalabad, after considering the application and replies filed by the respective respondents on their behalf, ordered the continuation of the partition proceeding and mode of partition was approved. Thereafter, Naksha Zeem was called and opportunity to file objections was given. The petitioners claim to have stepped into the shoes of Bagha Singh and Paro Bai who had already sold part of land to various persons. The only case set up by the petitioners is that they were proceeded *ex parte* and they have been condemned unheard. The plea of the petitioners is not sustainable. The fact is that Jamna Bai was not in exclusive possession of the land and the petitioners are in possession of land in excess of their share, rather they have also sold land to other persons. The petitioners with purpose to delay the partition proceedings are now raising their objections. Learned counsel for the petitioners has failed to show from the record of the paper-book that they were not validly served.

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In view of above, I do not find any illegality or perversity in the impugned orders.

Dismissed.

17.08.2015
parveen kumar

(Paramjeet Singh)
Judge