

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

CWP No. 5035 of 2015 (O&M)

Date of Decision:-30.04.2015

Shakuntla (through LRs) and Anr.

.....Petitioners

Versus

Financial Commissioner, Haryana and Anr.

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Chandeeep Singh, Advocate for the petitioners.

JASWANT SINGH, J.(ORAL)

Petitioners have laid challenge to the orders passed by the Assistant Collector, Ist Grade-cum-Tehsildar Rohtak whereby their objections against Naksha *kha* were dismissed; further challenge is to the order passed by the Collector, Rohtak, Commissioner Rohtak Division and Financial Commissioner, Haryana whereby the order passed by the Assistant Collector was upheld.

It is apparent that the applicant-respondent No.2-Parmeshwari Devi has purchased the share of one Raldu Ram from his LRs vide registered sale deed dated 04.02.2006. Said Raldu Ram had acquired his right and share in the joint property in the light of a decree dated 23.8.1984 suffered by Smt. Raj Pati wife of Munshi Ram in his favour.

The said Smt. Rajpati and her daughter-in-law Shakuntla through her LRs are the petitioners.

The objection of the petitioners was that the partition proceedings should be stayed in the light of a Civil Suit filed by Smt. Rajpati challenging the collusive decree dated 23.08.1984 in favour of

Raldu Ram.

It is conceded that the suit filed by Rajpati was dismissed on 17.5.2004 and the appeal was also dismissed on 13.2.2012 and the Regular Second appeal is stated to be pending.

At the time of hearing, it is conceded that as on date, the partition proceedings are complete and the said applicant-Parmeshwari Devi/successor-in-interest of Raldu Ram has been put in separate possession to the extent of her share as per sale deed. It also cannot be disputed that in the eventuality of Smt. Rajpati succeeding in the Regular Second Appeal, there would be no difficulty in transposing against the share of Smt. Parmeshwari. Even otherwise, no fault can be found in the impugned orders since the pendency of the civil suit in the facts of the case did not warrant stay of partition proceedings.

In view of the above, no ground is made out to entertain.

Dismissed.

(JASWANT SINGH)
JUDGE

April 30, 2015
manoj