

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

**C.M.Nos.2832-33-LPA of 2015 and
L.P.A.No.1326 of 2015 (O&M)
Date of Order: 17.09.2015**

Amir Chand

..Appellant

Versus

Financial Commissioner Revenue, Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE HARI PAL VERMA**

**Present: Mr. R.S.Mamli, Advocate,
for the appellant.**

RAJIVE BHALLA, J (Oral)

C.M.No.2832-LPA of 2015

Prayer in this application is to condone delay of 30 days
in filing the appeal.

We have heard counsel for the appellant and as sufficient
cause has been shown, allow the application and condone the delay
of 30 days in filing the appeal.

C.M.No.2833-LPA of 2015

Prayer in this application is to condone delay of 38 days
in re-filing the appeal.

We have heard counsel for the appellant and as sufficient
cause has been shown, allow the application and condone the delay

of 38 days in re-filing the appeal.

L.P.A.No.1326 of 2015

The appellant, challenges order dated 27.02.2015, dismissing his writ petition, as well as orders passed by revenue authorities relating to partition of the land, in dispute.

Counsel for the appellant submits that the appellant purchased land by reference to specific khasra numbers from respondent no.3 and the father of respondent no.2. The vendors also delivered actual physical possession. The mode of partition, provides that land purchased by vendors shall be allotted to the vendors and possession shall be maintained. The partition has, however, been carried out by violating the mode of partition as the land purchased by the appellant has been allotted to other co-sharers.

We have heard counsel for the appellant, perused the impugned order as well as orders passed by revenue authorities.

The appellant's contention that the mode of partition, provides that land purchased by vendors shall be allotted to vendors is factually incorrect. A perusal of Clause 3 of the mode of partition (in vernacular), reveals that vendors would be entitled to the same quality of land as purchased and not the land purchased by them.

Another contention that as the mode of partition records that possession shall be kept intact, the partition is illegal, must also fail. The clause that possession shall be kept intact, is always understood to denote that possession shall be protected as far as is possible. If this clause were to be interpreted to mean that

possession shall not be disturbed, partition would not be possible.

Consequently, finding no merit, the impugned order is affirmed and the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

September 17, 2015
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(HARI PAL VERMA)
JUDGE