

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 2078 of 2012 (O&M)
Date of decision: 14.7.2015

Baikunth Nath Sharma

.. Appellant

v.

Smt. Harsh Sharma

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. S. S. Dinarpur, Advocate for the appellant.
Mr. Sukhdip Singh Brar, Advocate for the respondent.

...

Rajesh Bindal J.

Challenge in the present appeal is to the judgments and decrees of both the learned courts below, whereby the suit filed by the respondent-plaintiff for declaration claiming half share in the property left by father of the parties, namely, Manohar Lal, was decreed.

The parties to the dispute are brother and sister. The only contention sought to be raised by learned counsel for the appellant is that the suit was merely for declaration, whereas the learned courts below had passed preliminary decree for partition as well.

However, I do not find any reason to interfere with the judgments and decrees of the learned courts below. The right of the respondent-plaintiff in the property is not in dispute. For claiming possession by the respondent-sister, the appellant-brother is seeking to take all kind of technical pleas so that he continues in possession of the property. Learned counsel for the appellant was not very clear as to whether the object is only to delay the proceedings. Once the respondent-sister has been found to be entitled to half share in the property left by father of the parties,

there is no illegality in the judgments and decrees of the learned courts below in passing preliminary decree regarding partition, as one of the reliefs claimed in the suit was also for possession.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

14.7.2015
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