

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.2021 of 2014 (O&M)
Date of Decision:- 11.05.2015.

Harbinderjit Singh @ Harjinder Singh @ Harvinder Singh and
another

.....Appellants

Versus

The Financial Commissioner Co-operation, Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of 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. Rai Singh Chauhan, Advocate for the appellants.

Ms. Poonan Josan, Advocate for respondent No.4.

SURYA KANT, J. (ORAL)

1.) This Letters Patent Appeal challenges the order dated 29.09.2014, whereby, learned Single Judge has declined to interfere in the orders passed by revenue authorities in a dispute arising out of partition proceedings.

2.) The appellant and the private respondents are co-sharers in the suit land measuring 137 kanal 1 marla. On 04.06.1999, the Assistant Collector, Kapurthala prepared the mode of partition (Annexure P-1), the relevant and salient features of which are to the following effect:-

“2. The partition will effect keeping in view the possession in tact.

6. The area will be partitioned qualitywise and as per last jamabandi.

7. The rule of consolidation would be kept in view. Gair marusi would be kept in tact.

8. The passage khal would be provided as per requirement.”

3.) Since the mode of partition acknowledged the respective possession of parties, it appears that the appellant objected to the allocation of land abutting the Kapurthala-Kartarpur road to the private respondents, as according to him, the piece of land abutting the main road ought to be separately partitioned amongst all co-sharers.

4.) This contention was turned down by the authorities who accepted the plea of private respondents that there was already an old family partition and pursuant thereto, the co-sharers came to occupy their respective share-holdings and that the land abutting Kartarput-Kapurthala road came into possession of the private respondents more than 30 to 35 years back where the houses have also been constructed.

5.) The aforesaid view has been consistently followed by the superior authorities also. The learned Single Judge while rejecting the appellant's claim has observed that the piece of land abutting the

main road is triangular and cannot be partitioned.

6.) We have heard learned counsel for the parties and gone through the record especially the site plan (Annexure P-2/A). As per the said site plan, the land shown in blue colour has fallen to the share of the appellant whereas the land shown in green colour abutting Kartarpur-Kapurthala road has gone to the share of Parminder Singh-respondent No.4. In our considered view, the land shown in green colour cannot be partitioned in three pieces. Such an exercise not only would completely diminish the value of that land but would cause fragmentation of the land holding also instead of consolidating the same at one place. It would thus be contrary to the settled principles and object behind partitioning of the joint land holdings.

7.) No case to interfere with the order passed by learned Single Judge is made out.

8.) Dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

May 11, 2015.

sandeep sethi