

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.M. No. 7643 of 2012 and
RSA No. 2843 of 2012

Date of decision: 11.08.2015

Ramesh Chand

...APPELLANT

VS.

Vinod Kumar and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Krishan Singh, Advocate,
for the applicant/appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 7643 of 2012

Prayer in this application is for condonation of delay of 160 days in re-filing the appeal.

For the reasons mentioned in the application, which is duly supported by the affidavit of the clerk to the counsel, the present application is allowed. Delay of 160 days in re-filing the appeal is condoned.

RSA No. 2843 of 2012

This appeal has been preferred by the appellant-plaintiff, who filed a suit for separate possession of 1/7th share by way of partition of the property i.e. specific portion/shops shown in the site plan and detailed in the heading of the suit and for rendition of account directing respondents No. 1

and 2 to tender the accounts of the amount received by them as rent of the shops in question etc.

Both the Courts below have come to a conclusion that the decree, as prayed for, could not be granted as the owners of the land, on which the construction has been raised by the lessee, have not been impleaded as party to the suit and since there was no absolute owner of the property in question, the same cannot be ordered to be partitioned.

The findings recorded by the Courts below are as per the pleadings and evidence led by the parties and in accordance with the settled preposition in law, which do not call for any interference by this Court. No substantial question of law arises in this case which requires consideration of this Court.

The appeal, therefore, stands dismissed.

August 11, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE