

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.976 of 2015

Date of Decision:- 06.07.2015.

Hari Kishan and others

.....Appellants

Versus

State of Haryana 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. Rajiv Sharma, Advocate for the appellants.

SURYA KANT, J. (ORAL)

- 1.) The partition proceedings were initiated at the instance of appellants in which, as per the mode of partition finalized by the Assistant Collector, possession at the site was to be kept in tact.
- 2.) Thereafter arose the dispute between appellants and private respondents in respect of allotment of land bearing Khasra No.11/6. While the appellants claimed their possession over that land, the private respondents asserted otherwise. As regard to allotment of subject khasra number, the Revenue Authorities have taken cue from a Civil Court decree passed in the year 1996 according to which respondent No.5 Smt. Vidya Devi and her family were in possession of that Khasra number.

3.) It may be true that the appellants were not party to that civil suit and as such, the decree would not be binding on them but having regard to the mode of partition, namely, that possession at the site was to be respected, the authorities cannot be said to have committed any material irregularity in acknowledging the Civil Court decree so as to hold that the khasra number in dispute is in possession of private respondents.

4.) Learned Single Judge has observed and rightly so that the *Sanad Takseem* was prepared way back in the year 2000 and stood upheld in the first round of litigation which ended in the year 2004. It appears to us that even if some hardship is caused to one of the co-owner at the time of partition of a joint holding, that would *per se* be not a valid ground to interfere with the order passed by learned Single Judge.

5.) The fact that the appellants are said to have challenged the Civil Court decree is not a justifiable ground to keep the partition proceedings in abeyance.

6.) Dismissed.

**(SURYA KANT)
JUDGE**

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

July 06, 2015.

sandeep sethi