

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

**RSA No.4870 of 2013 (O&M)
Date of Decision : 09.03.2015**

Pappey Khan

....Appellant

versus

Ali Mohammad and others

...Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Lokesh Sinhal, Advocate for the appellant.

Rajesh Bindal, J.

The plaintiff having failed in both the Courts below has filed the present appeal.

He filed a suit for partition with consequential relief of permanent injunction pertaining to the suit property. It is claimed that the appellant-plaintiff is owner to the extent of half share in the plot measuring 302.5 square yards which is claimed to have been purchased by the appellant-plaintiff along with defendant No.1-Ali Mohammad jointly. Both the Courts below found that the plot, the partition of which was sought in the suit filed by the appellant was part of a joint property which had not yet been partitioned, hence, the property coming to the share of the appellant-plaintiff could not be identified till such time, all the share holders in the joint khewat are impleaded as party in the suit. The fact that all the share holders in the joint khewat out of which 302.5 square yards of land was purchased by the appellant jointly with respondent No.1-Ali Mohammad were not impleaded as party in the suit, is not in dispute.

Considering the aforesaid facts, in my opinion, no error has been committed by the Courts below in dismissing the suit for partition filed by the appellant-plaintiff. No substantial question of law arises in the present appeal.

Dismissed.

09.03.2015

Manoj Bhutani

(Rajesh Bindal)

Judge