

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

RSA No.1199 of 2015 (O&M)

Date of Decision: November 17, 2015

Jito Devi and others

.... Appellants

vs.

Sohan Lal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vikram Singh, Advocate for the appellants.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

CM-3420-C-2015

There is delay of 3 days in filing the present appeal.

For the reasons mentioned in the application, supported by an affidavit, delay of 3 days in filing the present appeal is condoned, subject to all just exception.

Application stands disposed of.

RSA No.1199 of 2015

Impugned in the present regular second appeal is the judgment and decree dated 31.03.2014 passed by learned District Judge, Yamuna Nagar at Jagadhri, affirming the judgment and decree dated 18.12.2009 passed by learned Civil Judge (Jr. Divn.), Yamuna Nagar at Jagadhri, whereby the suit of the plaintiffs for separate possession by partition was decreed and the permanent

injunction was also granted and the defendants were restrained from transferring any part of the suit land to any one else or any part thereof.

I have heard learned counsel for the appellants and have also carefully gone through the case file.

A perusal of the judgment of lower court shows that the lower court after recording the findings of facts held that the total joint property was 21 biswa and that Baso Ram and Hari Chand, father of the plaintiffs and defendants, respectively, owned $\frac{1}{2}$ share equally and they got $10\frac{1}{2}$ biswa of land each.

Learned counsel for the appellants has argued that it is not proved that the entire property was joint.

However, there is nothing on the file to show that some property was exclusively purchased by the defendants. Regarding the identity of the property, the khasra numbers are there. Though, only a preliminary decree is passed and the final decree of partition by metes and bounds is yet to be passed, no substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

November 17, 2015
sarita

(KULDIP SINGH)
JUDGE