

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1192 of 2014 (O&M)
Date of Decision. 12.10.2015

Sukhwinder Singh and another

.....Appellants

Versus

Sardul Singh and another

.....Respondents

Present: None for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J.

1. Delays of 5 days in refiling and 8 days in filing the second appeal are condoned.
2. The defendant who faced a suit for partition brought at the instance of the plaintiff claiming the property to be jointly owned by them is the appellant before this Court. His principal defence was that there was no property held jointly between the plaintiff and the defendant. The Court found with reference to the revenue entries that the property stood jointly in the names of the plaintiff and the defendant and granted a decree. There was also a contention taken at the time of trial and at the time of hearing of appeal that the suit was bad for partial partition. The Court rejected this contention also by pointing out to the fact that the defendant never accepted any property as belonging jointly and therefore, the question of the suit failing for partial partition did not arise. In particular, the Court examined the

entry in Ex.D1 and held that the property was not shown to be jointly held by the plaintiff and the defendant and observed that the property could not have been included in the suit for partition.

3. I have seen through the grounds of appeal also and the only contention taken is that the suit was bad for partial partition. When the defendant was denying that there was any property which was held jointly, there is no question of the defendant being allowed to take a plea that the suit was bad for partial partition. Indeed, there was no contention as regards the partial partition other than what was taken at the time of arguments.

4. I do not find any error for intervention in the second appeal. The second appeal is dismissed as devoid of merits.

(K. KANNAN)
JUDGE

October 12, 2015
Pankaj*