

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

**RSA No.1938 of 2014 (O&M)
Date of Decision: October 16, 2015**

Raghunandan and others Appellants

vs.

Ratti Ram and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. G.C. Shahpuri, 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)

Impugned in the present regular second appeal is the judgment and decree dated 09.10.2013 passed by learned Addl. District Judge, Faridabad, affirming the judgment and decree dated 23.11.2011/12.09.2012 passed by learned Addl. Civil Judge (Sr. Divn.), Faridabad, vide which a preliminary decree for partition of the property has been passed. The partition of the disputed property, which is gair mumkin gait i.e. non-agricultural plot measuring 1 kanal, 4 marlas, situated in Khewat No.150, Khatoni No.189, Rect. No.22, Kila No.23/2 in Sarai Khawaja, has been ordered.

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

The contention of learned counsel for the appellants is that they were proceeded against ex parte and the evidence of the

defendants-appellants was closed by orders vide order dated 14.11.2011 and that the defendants-appellants could not get the opportunity to produce evidence. Secondly, it is pleaded that the suit is for partial partition.

So far as the order of closing the evidence of defendants-appellants by order is concerned, they claim only ½ share and only their share has been determined and preliminary decree has been passed. Therefore, no prejudice has been caused to the defendants-appellants.

So far as the partial partition is concerned, as per entries made in the revenue record, only the parties to the suit are the owner of the plot. If plaintiff does not want the partition of any of the property, they cannot be compelled to do so. The findings of the facts have been recorded by both the courts below. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

October 16, 2015
sarita

(KULDIP SINGH)
JUDGE