

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

RSA No.5683 of 2015 (O&M)
Date of Decision.04.11.2015

Rattan Singh (since deceased) through LRsAppellant

Versus

Swaran Singh and othersRespondents

2. RSA No.5687 of 2015

Rattan Singh (since deceased) through LRsAppellant

Versus

Jaspal Singh and othersRespondents

Present: Mr. G.S. Brar, Advocate
for the appellant.

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. (ORAL)

1. Both the second appeals are connected arising out of the same cause of action and are being disposed of by a common order. The suit for partition was resisted on ground that it was for partial partition and there are other items of property which are available. The trial Court decreed the suit holding that the defendant who pleaded a partial partition had not discharged the burden. The Appellate Court reversed the decision holding that the existence of other items of the property was admitted fact and therefore, the plaintiff who was contending that they were separate properties had omitted to show any document to contend that they were purchased in their own name and the property

belonged to them. The Court had examined the onus correctly that the moment existence of other items of property are proved, plaintiff cannot succeed in the suit for partition with regard to one property excluding the other. The burden to adduce any evidence that the other items of property were purchased independently without detriment to the joint family will be wholly on him. The Appellate Court correctly considered the onus and has dismissed the suit as barred by partial partition.

2. I find no substantial question of law for consideration in the second appeals. Both the second appeals are dismissed.

**(K. KANNAN)
JUDGE**

November 04, 2015
Pankaj*