

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

RSA No. 3908 of 2014 (O&M)

Date of Decision: November 20, 2015

Dharam Singh

.... Appellant

vs.

Ram Karan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.S. Malik, Advocate for the appellant.

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 judgment and decree dated 09.04.2014 passed by learned Addl. District Judge, Sonapat, vide which a preliminary decree for partition was passed in favour of the plaintiff after partly allowing the appeal and reversing the judgment and decree dated 30.07.2012 passed by learned Civil Judge (Jr. Divn.), Sonipat, vide which the suit of the plaintiff was dismissed.

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

It comes out that the plaintiff had sued for possession of portion 'CDEF' in the site plan of the suit property on the ground that

the same has been encroached by the defendant. In the alternative, it was claimed that he is owner of $\frac{1}{2}$ share in the land measuring 0 kanal, 6 marla bearing khasra No.419 in khewat No.696/635 and sought partition of the suit property.

The first appellate court found that the share of the plaintiff is not disputed by the defendant. Therefore, a preliminary decree for partition was passed. Findings of the facts have been recorded by the first appellate court. No question of law arises in the present appeal.

As such, the present regular second appeal stands dismissed.

November 20, 2015
sarita

(KULDIP SINGH)
JUDGE