

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

RSA No.3455 of 2011 (O&M)

Date of decision : 03.08.2016

Umed Singh

...Appellant

Versus

Mahavir Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Vaibhav Narang, Advocate for the appellant.

Mr. N.S. Shekhawat, Advocate for the respondents.

AMIT RAWAL, J. (Oral)

Present appeal is against the judgment and decree rendered by the trial Court, whereby preliminary decree granting the partition by way of separate possession, has been decreed.

Mr. Vaibhav Narang, learned counsel appearing on behalf of appellant submits that it was a case of partial partition and, therefore, the suit was liable to be dismissed as the property belonging to the co-sharer had not been included and this matter is taken for arguments after issuing notice of motion.

Mr. N.S. Shekhawat, learned counsel appearing on behalf of

respondents submits that after passing of the preliminary decree, even application for withdrawing of the final decree has been allowed and the final decree has been passed on 01.10.2015. Even the possession according to the final decree has been taken, therefore, no cause of action survives.

In view of the aforementioned fact, I am of the view that no useful purpose would be served in pondering upon issue of partial partition. The appellant was not successful in seeking the stay of drawing of the final decree. It is too late to put the clock back.

I do not intend to differ with the findings rendered by the Courts below.

No ground for interference is made out.

Dismissed.

03.08.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No