

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

RSA No.158 of 2012
Date of decision : 12.05.2016

Hakim Chand and others

...Appellants

Versus

Murari 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. Keshav Pratap Singh, Advocate for the appellants.

Mr. R.C. Setia, Sr. Advocate with
Mr. Surinder Singh, Advocate for respondent Nos.1 to 7.

AMIT RAWAL, J. (Oral)

The appellants-plaintiffs are aggrieved of the dismissal of the suit seeking possession by way of partition of the suit property.

Mr. Keshav Pratap Singh, learned counsel appearing on behalf of appellants submits that both the Courts below have non-suited the appellants on following two grounds:-

1. Partial partition.
2. Property already stood partitioned.

He further submits that revenue record does not indicate the alleged partition done 40 years back, therefore, judgment and decree of both

the Courts below on this account is not sustainable. He submits that there are two other properties which has not been included, have already been partitioned, therefore, there was no occasion for including the same in partition suit and thus urges for formulation of the substantial question of law as culled out in memorandum of appeal.

Mr. R.C. Setia, learned Senior Counsel assisted by Mr. Surinder Singh, learned counsel appearing on behalf of respondent Nos.1 to 7 submits that another property had not been partitioned and this fact has been admitted by the plaintiff in the cross-examination and rightly so, Courts below have dismissed the suit for partial partition.

I have heard learned counsel for the parties and appraised the paper book and of the view that appeal sans merit, for, it is settled law that in case of partial partition, suit for partition is liable to be dismissed. The plaintiff admitted in cross-examination with regard to the other property but alleged that it was already partitioned but no documentary evidence has been placed on record to prove the same. In view of the fact that other property has not been included, suit was rightly been dismissed.

No ground for interference is made out, much less, no substantial question of law arises for determination.

Dismissed.

12.05.2016

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**(AMIT RAWAL)
JUDGE**