

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

LPA- 1820-2015

Decided on : 25.01.2016

Mukesh and another

.... Appellants

VERSUS

**The Financial Commissioner, Haryana
and others**

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MR. JUSTICE HARI PAL VERMA

Present: **Mr.V.K.Jindal, Senior Advocate, with**
Mr.Ram Kumar Saini, Advocate, for the appellants.

Mr.R.D.Sharma, DAG, Haryana, for respondents No.1 to 3.

Mr.S.S.Dinarpur, Advocate, for respondents No.4 to 8.

RAJIVE BHALLA, J. (ORAL)

The appellants' challenge to partition proceedings by way of a writ petition was dismissed. The appeal came up for consideration on 07.01.2016 when the following order was passed: -

“We have heard counsel for the appellants but are not inclined to entertain the appeal for the reason that partition proceedings do not suffer from any error of law or of jurisdiction. The appellants' contention that the mode of partition which prescribed that possession shall be honoured, has been violated cannot be accepted as all that such a clause inhere is that possession, shall be protected, wherever possible.

At this stage, counsel for the appellants submits that notice may be issued to the respondents so as to explore the possibility of a settlement.

Notice be issued for 20.01.2016, limited to the later plea.

Process dasti only.”

Counsel for contesting respondents No.4 to 8 stated on 20.01.2016 that there is no possibility of a settlement. Counsel for the appellants has given an offer to the contesting respondents to exchange the land allotted in green with land allotted in blue but counsel for the contesting respondents states that the contesting respondents are not ready to accept the offer.

Consequently, having already recorded that there is no merit in the appeal much less any error of jurisdiction or of law, we have no option but to dismiss the appeal.

Dismissed.

[RAJIVE BHALLA]
JUDGE

25.01.2016
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[HARI PAL VERMA]
JUDGE