

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

LPA No. 155 of 2016(O&M)

Date of Decision: January 29 , 2016.

Surjit Singh

..... APPELLANT (s)

Versus

Financial Commissioner (Appeals), Punjab and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. J.S.Thind, Advocate
for the appellant.

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

RAJIVE BHALLA, J.

CM No.307-LPA of 2016

The prayer in the application is to condone the delay of 45 days
in filing the appeal.

Heard.

For reasons stated in the application and arguments addressed,
the application is allowed and delay of 45 days in filing the appeal is
condoned.

LPA No.155 of 2016

The appellant challenges order dated 07.10.2015 whereby the writ petition filed by Paramjit Singh has been allowed by holding that as his father and Karnail Singh purchased 4 Kanals and 6 Marlas of land, vide registered sale-deed dated 21.04.1977, duly affirmed by judgment and decree dated 19.03.2002, Paramjit Singh is entitled to allotment of proportionate land during partition proceedings.

Counsel for the appellant submits that as Lakha Singh sold the land to Balwant Singh, father of Paramjit Singh in excess of his share holding and the sale-deed was not reflected in the revenue record, the petitioner had no right to challenge partition proceedings. Counsel for the appellant further submits that, in case, the sale-deed and the judgment and decree are accepted, land in excess of share holding would be allotted to Paramjit Singh.

We have heard counsel for the appellant, perused orders passed during partition proceedings and the order allowing the writ petition but find no reason to hold that the impugned order is, in any manner, illegal or contrary to the principles that govern partition of agricultural land. A person who purchases property, is entitled to participate in partition proceedings and if another co-sharer alleges that the property so purchased is in excess of the share holding of the vendor, is required to obtain an order under Section 117 of the Punjab Land Revenue Act, 1887 or from a civil court.

Consequently, finding no merit, the appeal is dismissed with a direction to the Assistant Collector, Ist Grade, Baba Bakala to conclude proceedings within six months from the next date of hearing.

**(RAJIVE BHALLA)
JUDGE**

January 29 , 2016.
'om'

**(LISA GILL)
JUDGE**