

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

LPA No.463 of 2016 (O&M)
Date of decision: 10.5.2016

Kulbir Singh Parmar and another

..... Appellants

Versus

Smt. Davinder Parmar and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Dinesh Nagar, Advocate, for the appellants.

RAJESH BINDAL, J

Challenge in the present intra-court appeal is to the order dated 29.10.2015 passed by the learned Single Judge, whereby the order passed by the Financial Commissioner (Animal Husbandry), Punjab in partition proceedings, was set aside. The Assistant Collector Ist Grade was directed to proceed with the matter.

The property is joint between the family members. The appellants are in possession of the entire property. Most of the respondents, who have share in the property are absentee landowners living abroad. This is one of the reason observed by learned Single Judge. The object of the appellants is to delay the proceedings and to continue with the possession of the land. They cannot possibly have any objection to the partition of the joint land. Hence, there is no error in the judgment of learned Single Judge. We concur with the view expressed by the learned Single Judge, as the Court found that the proceedings for partition were being delayed unnecessarily by the appellants. They are directed to pay mesne profit @ ₹ 30,000/- per acre per annum from the date of filing of the application for partition. The rate is sought to be challenged, however, considering the value of the land and return therefrom, ₹ 30,000/- per acre per annum cannot be said to be on higher side. Hence, even on that issue we do not find any reason to interfere

with the impugned order.

For the reasons mentioned above, we do not find any merit in the present appeal. The same is accordingly dismissed. Consequently, the application for additional evidence is also dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

10.5.2016

sharmila