

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA No. 8 of 2016 (O&M)
Date of Decision: 17.10.2016

Jarnail Singh and anr.

... Appellants.

vs.

Chiman Singh and ors.

... Respondents

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

Present:- None for the appellants.

RAJESH BINDAL,J

The writ petition was filed by the appellants, which was dismissed by learned Single Judge on 17.08.2015 with the observations that the purpose of the petitioners was to delay the partition proceedings. The relevant para of the impugned judgment is reproduced as under:-

“Jamna Bai moved application for partition of land measuring 283 kanals and 2 marlas comprised in different khewats. After filing of the application, notice was issued, various persons appeared and some were proceeded against ex parte. The Assistant Collector Ist Grade, Jalalabad, after considering the application and replies filed by the respective respondents on their behalf, ordered the continuation of the partition proceeding and mode of partition was approved. Thereafter, Naksha Zeem was called and opportunity to file objections was given. The

petitioners claim to have stepped into the shoes of Bagha Singh and Paro Bai who had already sold part of land to various persons. The only case set up by the petitioners is that they were proceeded exparte and they have been condemned unheard. The plea of the petitioners is not sustainable. The fact is that Jamna Bai was not in exclusive possession of the land and the petitioners are in possession of land in excess of their share, rather they have also sold land to other persons. The petitioners with purpose to delay the partition proceedings are now raising their objections. Learned counsel for the petitioners has failed to show from the record of the paper-book that they were not validly served.”

The appeal was filed in this Court after a delay of 67 days in filing thereof. Thereafter, the matter has been adjourned four times, twice in the absence of counsel for the appellants and twice in his presence.

Today, even on second call, none has put in appearance on behalf of the appellants.

The appeal is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

17.10.2016
dinesh

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No