

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

RSA No.589 of 2012

Date of decision: 18.1.2016

Jarnail Singh and others

... Appellants

versus

Karamjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Madan Sandhu, Advocate,  
for the appellants

...

AMOL RATTAN SINGH, J. (Oral)

The learned trial Court as also the learned lower appellate Court have recorded a finding, which is not in dispute, to the effect that a preliminary decree was passed on 13.6.2007, holding that the respondents-plaintiffs are entitled to 1/5<sup>th</sup> share of 7 kanals 7 marlas of land, which comes out to be 29-2/3 marlas, out of which they were found to be in possession of 18 marlas and one was to be considered in their possession, as they were using a passage comprising 4 marlas. Consequently, they were found to be in possession of 19 marlas of land and 10-2/3 marlas of land was to be provided to them, so as to complete their share of 29-2/3 marlas.

Upon an application having been filed by the plaintiffs for passing a final decree in terms of the findings recorded in the preliminary decree, for possession of their remaining share in the land, one Nazar Singh, retired Patwari, had submitted a site plan (Ex.C-1 before the trial Court), making a proposal as per the said site plan, to make good the deficiency of possession of the share falling to the plaintiffs. The said

proposal was accepted even by the counsel for the appellants (defendants in the suit). On that basis, the final decree was passed in favour of the plaintiffs by the trial Court which, on the same ground, was affirmed by the lower appellate Court.

Learned counsel for the appellants submitted that a different part of the property should have been partitioned in favour of the respondents, but has not been able to show what other mode of partition could actually have been effected. Thereafter, on a specific query, he has very fairly submitted that since he is not able to show any other mode of partition, in any case no substantial question of law would arise in this appeal.

In view of the above, finding no infirmity or error in the judgments of the Courts below, this appeal is dismissed, with no order as to costs.

18.1.2016  
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**( AMOL RATTAN SINGH )**  
**JUDGE**