

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

Regular Second Appeal No.3721 of 2016 (O&M)

Date of Decision: August 02, 2016

Ashok Kumar

.....APPELLANT.

VERSUS

Jitender Kumar and others

.....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. M.S. Sindhu, Advocate
for the appellant.

SURINDER GUPTA, J.(Oral)

Learned counsel for the appellant submits that under Section 5 of the Partition Act, 1893, appellant has preferential right over the undivided family dwelling house and to purchase the share of plaintiff-respondent. He seeks permission to withdraw the appeal with liberty to raise the pleas available with him under the Partition Act before the executing court.

Dismissed as withdraw with liberty as prayed for to raise legal plea, as available, which if raised by the appellant shall be decided in accordance with law by the executing court.

**(SURINDER GUPTA)
JUDGE**

August 02, 2016.

deepak/jv

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No