

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

CWP No.11787 of 2015
Date of decision : 01.03.2017

Surjit Singh

...Petitioner

Versus

Financial Commissioner, Animal Husbandry, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Ms. Monica Chhibber Sharma, DAG, Punjab.

Mr. Satbir Rathore, Advocate
for LR's of respondent Nos.5 and 8.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned orders (Annexures P-1 to P-4) passed by the authorities, whereby partition proceedings sought to be effected at the instance of private respondent Nos.5 and 6 against the respondent Nos.7 to 9 seeking partition of the land measuring 10 kanals 16 marlas situated in Village Rajwal, Tehsil Mukerian, District Hoshiarpur has been allowed.

The prime contention of the learned counsel for the petitioner is that as indicated from the order of the Financial Commissioner is that khewat No.148 should be included in the partition proceedings. The revenue record shown during the course of arguments and as well as application indicates that the partition was sought of the following Khewat numbers consisting of following khasra numbers and area:-

“Application for partition of the land measuring 10 kanal 16 marla comprised in khewat No.330, Khata/Khatoni No.437 bearing khasra No.1607 (4-6), 1843 (6-10) Kitte 2 situated at Village Rajwal, Tehsil Mukerian, District Hoshiarpur as per the jamabandi for the year 1995-96.”

Both the khewats are different. The respondents are not the co-owner in khewat No.148 and, therefore, it could not be included as partition and rightly so, the authorities below have dismissed the appeal, revision and second revision and cited Full Bench Judgment of this Court in *Ram Chander Vs. Bhim Singh and others*, 2008(3) RCR (Civil) 685

There is no dispute to the ratio decidendi culled out in the judgment cited on behalf of counsel for the petitioner rendered by the Full Bench of this Court in *Ram Chander's case (Supra)*, i.e. the co-owners selling the land from joint khewat by reference to specific rectangles and khasra numbers, vendee becomes co-sharer in entire joint khewat but the fact remains that rectangle No.148 consists of khasra Nos.434, 435, 437, 438, 439, 440 whereas 330 as indicated above is totally different one and the respondents are not the co-owner, thus, it cannot be case of partial partition.

For the reasons aforementioned, orders under challenge are perfectly legal and justified.

No ground for interference is made out.

Accordingly, present writ petition stands dismissed.

01.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No