

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.1252 of 2017

Date of Decision.16.02.2017

Jaswant Singh and others

.....Petitioners

Vs

The Financial Commissioner, Punjab and others

.....Respondents

Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-.-

AMIT RAWAL J. (ORAL)

The petitioner is stated to have purchased various pieces of land vide sale deeds (Annexure P3, P4 and P6) by establishing that the previous purchasers were the owners of the aforementioned land as is evident from Annexure P-2.

Mr. Rajan Singh Dadwal, learned counsel appearing on behalf of the petitioners submits that qua mode of partition, specific objection was taken that since the matter regarding the title was pending in the Civil Court, further proceedings consequent to the passing of the mode of partition should be stayed. However, the objection was dismissed and resultantly, the *sanad taksim* dated 18.11.2008 came to be passed.

This Court called upon Mr. Dadwal to apprise with regard to outcome of the pending civil suit and the answer is that the civil suit has been decided, however, the appeal is stated to be pending. Though I could not comment upon the merits and demerits of the pending appeal but the fact remains that the erstwhile owner can sell his share only and not the specific khasra number/area in the absence of the partition. Once the

the manner and mode indicated above.

The petitioners are at liberty to seek correction of the order by moving appropriate application in case they succeed in the pending appeal *viz-a-viz* their share but at present no case is made out for interference as the partition has been done by taking into consideration their respective shares.

The writ petition stands dismissed but with the above observations.

(AMIT RAWAL)
JUDGE

February 16, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No