

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

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*CWP No.25607 of 2017*

*Date of Decision: November 09, 2017*

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Jagdeep Singh

. . . . Petitioner

*Vs.*

Assistant Collector 1<sup>st</sup> Grade, Patiala and others

. . . . Respondents

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***CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN***

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Present: Mr.Sunil Garg, Advocate,  
for the petitioner.

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***RAKESH KUMAR JAIN, J.***

The petitioner has challenged the entire partition proceedings initiated on File No.211/R-1 dated 2.3.2015 titled as Avtar Singh Vs. Jagdeep Singh etc. including the order dated 28.12.2015 vide which *Nakha Alaf* was accepted, order dated 22.1.2016 vide which mode of partition was approved, order dated 26.2.2016 vide which *Naksha Bay* was approved, order dated 12.3.2016 vide which *Naksha Zeem* was accepted and order dated 12.4.2016 vide which *Sanad Taksim* was issued, *inter alia*, on the ground that the partition proceedings are illegal.

It is not disputed by the counsel for the petitioner that the petitioner had engaged Mr.Jagdish Sharma, Advocate, who had appeared before respondent No.1 on his behalf but he neither filed any reply to the partition application nor any objection to at stage. It is alleged that a meeting was held between the parties in which they had agreed to abide by the family arrangement and that respondents No.2 & 3 shall not pursue their

partition application and thus he had informed his counsel Mr.Jagdish Sharma not to appear.

This submission of the petitioner cannot be accepted because it cannot be believed that respondents No.2 & 3 were pursuing their application for partition and the petitioner, who is also resident of the same village, did not come to know about this fact. It appears to be an after thought for the purpose of putting up an excuse for not contesting the partition application at any stage much less even by filing a reply to it. Therefore, I do not find any merit in the present petition and the same is hereby dismissed.

NOVEMBER 09, 2017

*Vivek*

(RAKESH KUMAR JAIN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*