

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

**RSA No.1264 of 2015 (O&M)
Date of decision: 18.07.2017**

Swami Vivekanand Shiksha Samiti Chilhar, Tehsil and District Rewari

... Appellant

Vs.

Somdev

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Jain, Advocate
for the appellant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Learned counsel for the appellant, at the very outset, fairly states that since in the identical but separate litigation between these very parties qua the same property, learned Additional District Judge, Rewari vide his judgment dated 16.12.2016 has ordered partition of the suit property amongst its co-sharers, including the present respondent Somdev, instant appeal may be disposed of. He further submits that in compliance of the abovesaid judgment dated 16.12.2016 passed by the learned Additional District Judge in Civil Appeal No.189 of 2012 (Swami Vivekanand Shiksha Samiti, Chhilhar and another Vs. Amar Singh and another), whatever will be the outcome of partition proceedings, parties shall remain bound by that.

The directions issued by the learned Additional District Judge vide

his abovesaid judgment dated 16.12.2016, recorded in para 16 of the said judgment, read as under: -

“After hearing the parties and perusing the documents on record, this Court is of the view that present controversy could well be brought to a logical end in the partition proceedings already continuing between the parties before the revenue authorities. This Court has no dearth in saying that partition proceedings between the parties is the best & ultimate course available to them for bringing the controversy to a logical end for all the times to come. It is usually seen that partition proceedings linger quite long and revenue authorities not passes any interim restrain order. To protect the rights of the parties to this limited score, it is hereby reminded to the concerned revenue authorities that in case-law Mehar Singh Vs. Gram Panchayat/Gram Sabha, Sehjomajra 2009 (1) Law Herald (P&H) (DB) 406 Division Bench of our own Hon’ble High Court has gone clarifying that while entertaining a proceeding under the revenue laws, prescribed authority under such an Act has an incidental power including power to grant injunction to prevent abuse of process of the Court as may be necessary for ends of justice. So far the aspect of running of partition proceedings at snail’s pace is concerned, Revenue Authority concerned is hereby directed to dispose pending partition petition within six months positively, failing which it will seek the extension of time in advance from this Court by highlighting reasons on account of which result could not be attained in the given time. For passing these directions, reliance

has been placed upon judgment Nazar Mohd. Khan Vs. Arshad Ali Khan and others 1996 (1) PLR 334 (P&H); Law Find Doc Id # 37963.”

Since now the dispute between the parties shall be taken to the logical end as per the outcome of partition proceedings, the competent authority, who is seized of the matter in compliance of the abovesaid judgment dated 16.12.2016 passed by the learned Additional District Judge, is directed to expedite the partition proceedings and decide the same at an early date in accordance with law.

With the abovesaid observations made and directions issued, present regular second appeal stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

18.07.2017
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No