

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

**RSA 5995/2015(O&M)
Date of decision:25.09.2017**

Lal Singh

.....Appellant

v.

Jagnandan Singh and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Harminder Singh,Advocate for the appellant.

Jaswant Singh,J,(Oral).

Since there is delay of 156 days in refiling the appeal, an application bearing CM 14977-C/2015 has been filed for condoning the said delay.

For the reasons stated in the application, cause shown is sufficient. Hence application is allowed and delay of 156 days in refiling the appeal is condoned.

Main case.

Plaintiff has filed the present appeal assailing the judgment and decree dated 9.10.2012 passed by learned Civil Judge (Senior Division) Ferozepur whereby his suit for declaration inter alia challenging the sale deed dated 10.5.1993 executed by Kartar Singh in favour of defendant no.1-Jagnandan Singh and further seeking partition of the joint land, has been dismissed and the findings affirmed by the impugned judgment and decree dated 3.11.2014 passed by learned District Judge, Ferozepur.

Admitted facts are that Lal Singh,plaintiff (appellant herein),

Gurbax Singh-defendant no.2 and Harbax Singh sons of Kirpal Singh son of Karam Singh were co-owners with their uncle Kartar Singh son of Karam Singh in the joint land comprised in khasra nos. 283 (3-10) and 336 (1-0) in Village Talwandi Bhai, District Ferozepur. Admittedly, Kartar Singh had 1/4th share comprised in both khasra nos. Kartar Singh executed sale deed dated 10.5.1993 in favour of Jagnandan Singh for land measuring 1 kanal comprised in khasra no.336.

Plaintiff Lal Singh filed suit alleging that the sale deed was in excess of share of Kartar Singh in Khasra no.336 and therefore, the sale deed be set aside while also praying for partition of the joint land to the extent of conceded shares.

Both the Courts below have found that the sale was within 1/4th share of Kartar Singh and therefore, the sale deed was legal and valid.

As regards partition, the joint khata being in two khasra numbers 283 and 336, partial partition only for khasra no.336 was not maintainable hence the suit of the plaintiff was dismissed and findings affirmed.

After hearing the learned counsel for the appellant and perusing the impugned judgments and decrees no case for interference is made out as no question of law much less substantial question of law is made out.

Dismissed.

25.09.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No