

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

RSA No.241 of 2017 (O&M)

Date of Decision : 02.08.2017

Jhirmal Singh and others

..... Appellants

Versus

Puno and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. D.S. Pheruman, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgments of the Courts below dismissing the suit filed by the appellants.

In the present case the dispute relates to the property jointly owned by the grandfather of the appellants Harnam Singh and his brother Khazan Singh. It would be useful to remember here that Harnam Singh had only one son Gurpal Singh (father of the appellants) while Khazan Singh left behind five daughters. The case of the appellants is that their father and his five cousin sisters had partitioned the land by way of a family settlement deed dated 09.04.1980. The case of the respondents on the other hand was that no partition had ever taken place between Gurpal Singh and his five cousin sisters in the year 1980 or even thereafter or before and land continued to be joint. Apart from one of the appellants appearing in the witness box the appellants produced one attesting witness and the daughter

to this document because it was never reflected in the revenue record.

Learned counsel has not been able to show me how this conclusion is bad in law. The Courts below have also relied upon various judgments in support of the proposition that a private partition deed which has not been entered in the revenue record cannot be looked into but the learned counsel has not been able to show how these judgments are not applicable in this case.

In my opinion, neither any question of law nor question of fact have arisen in this case. Resultantly, all the questions proposed have to be answered against the appellants.

Accordingly, the appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 02, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No