

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

102

RSA-1297-2004 (O & M)
Date of Decision:18.08.2018

Rattan Singh and another

...Appellants

Versus

Pawan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Gupta, Advocate
for the appellants.

Mr. C.B. Goel, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

CM No.12883-C of 2018

CM has been filed for permission to lead additional evidence.

Dismissed as not pressed.

Main Case

Learned counsel for the parties do not dispute that joint property between the parties to the suit at the time of filing of the suit was 5 kanals and 19 marlas. However, learned trial Court while passing a decree had restricted the preliminary decree only to 2 kanals and 11 marlas while recording a finding that remaining is an agricultural land.

Learned counsel for the parties have no objection if the civil Court itself passes a decree for the entire land i.e. 5 kanals and 19 marlas.

Hence, with the consent/consensus of the learned counsel for

the parties, decrees passed by the Courts below are modified. The preliminary decree for partition would be deemed to have been passed with respect to land measuring 5 kanals and 19 marlas. It has been brought to the notice of this Court that certain persons have subsequently purchased some share. Once someone has purchased share during the pendency of the suit, he or she would be governed by rule of lis pendens. In any case, the subsequent vendees can always become party in the proceedings for final partition.

Regular second appeal is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

18.08.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No