

**CM-3871-3872-3873-LPA-2015 in/and
LPA-1799-2015 (O&M)**

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

**CM-3871-3872-3873-LPA-2015 in/and
LPA-1799-2015 (O&M)
Date of Decision: September 20, 2018**

Devinder Singh

.....Appellant

Versus

Gurmeet Singh and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.H.S.Saggu, Advocate for
Mr.Sukhjit Singh, Advocate for the appellant.

Mr.G.S.Punia, Sr.Advocate with
Ms.Jagriti Kalia, Advocate for respondent No.1.

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SURYA KANT, J.(ORAL)

CM-3871-LPA-2015

Application is allowed subject to all just exceptions and
Annexure A-1 is taken on record.

CM stands disposed of.

CM-3872-LPA-2015

For the reasons mentioned in the application, the same is
allowed and delay of 4 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1799-2015

This Letters Patent Appeal is directed against the order dated 21.09.2015 whereby the learned Single Judge allowed the writ petition filed by respondent No.1 in part and ordered modification in the mode of partition. Learned Single Judge has further observed as follows:-

“Learned counsel for respondent No.3 submitted that other applications for partition are also pending between the same parties. Respondent No.3 will be at liberty to make a prayer before the Assistant Collector Ist Grade with respect to the other pending partition applications that those be consolidated if all the co-sharers are common and thereafter pass order in accordance with law. The authorities shall look into same and if need be, authorities shall pass the order for consolidation of the same if all the co-sharers are same.”

[2] The foremost plea taken in this appeal is that partition proceedings at the instance of some other co-sharers are pending and, therefore, it would be more appropriate if claims of all the co-sharers for partition of joint holdings are decided together. Taking notice of this contention, a Coordinate Bench stayed further partition proceedings vide order dated 19.12.2015.

[3] We have heard learned counsel for the parties. It is disputed by learned counsel for respondent No.1 that any partition proceedings at the instance of other co-sharers are pending, as according to him, all the co-sharers are party to these proceedings.

[4] Be that as it may, the order of learned Single Judge is modified/clarified to the extent that if partition proceedings at the instance of

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such partition proceedings between co-sharers of the joint *Khata* in question
be consolidated/clubbed together and be decided by way of a common order
and in accordance with law.

[5] Disposed of.

**(SURYA KANT)
JUDGE**

September 20, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No