

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

LPA No.1179 of 2017 (O&M) in
CWP No.12260 of 2015
Date of Decision:- 05.04.2018.

Isher Singh and others

...Appellants

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. Sunny K. Singla, Advocate
for the appellants.

Rajesh Bindal, J.

Order passed by the learned Single Judge, dismissing the writ petition, has been impugned by filing the present intra-court appeal.

The appellants sought to challenge order dated 07.05.2015, passed by Assistant Collector, Patiala, vide which mode of partition was prepared. The ground sought to be raised was that the parties are in possession of their respective shares for the last 50 years. As the land was improved during the interregnum, the possession may not be disturbed. Petition was dismissed as the partition of the land has to take place between the co-sharers, by metes and bounds. Even according to the counsel for the appellants, one of the co-sharers is seeking partition by metes and bounds. In the mode of partition, it has been observed that the partition will be made keeping the possession intact, wherever possible, however, quality of land and area having frontage on the road will be also considered.

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There is no error in the order passed by the Assistant Collector as upheld by the learned Single Judge. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

05.04.2018.
rajesh.k.khurana

Whether speaking /reasoned : Yes / No
Whether Reportable : Yes / No