IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1255 of 2017 (O&M)

Date of Decision : 23.08.2018

Amar Kaur and others

....Appellants

Versus

Financial Commissioner (Appeals-II),
Animal Husbandry, Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.MAHABIR SINGH SINDHU

Present : Mr.Jatinder Singla, Advocate
for the appellants.

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single Judge dated 09.05.2017.

The partition proceedings inter se between the parties were approvingly affirmed by the learned Single Judge after looking at the site plan and other relevant material. We have done likewise and do not find ay error in the partition that has been effected. The appellants have been unable to show any error of jurisdiction or procedure, of course they have raised an issue that one of khasra Nos. i.e. 744 is *Gair Mumkin Ruri* and could not have been partitioned by the Asstt. Collector. The learned Single Judge noticed that the revenue record as noticed by both the Commissioner and Financial Commissioner did not reflect the nature of the land as *Gair Mumkin Abadi*, but *Gair Mumkin Ruri*

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intended for manure pits. Except for pointing out this error the appellants have been unable to show any substantive grievance qua the major portion of the partition. We are of the view that in the absence of any error either in procedure or jurisdiction and the fact that no prejudice manifests itself from the perusal of the site plan in effecting the partition, the present litigation is merely a luxury litigation more so when we notice that the learned counsel for the appellants has repeatedly asserted that he is willing to pay some amount to the respondents if some portion of the land in the disputed khasra is subjected to reshuffling. Evidently, he has no serious grouse regarding the prohibition of effecting partition in the disputed khasra which in any case is miniscule portion of the total land involved. This, in our opinion, even otherwise is something to be left to the parties and the courts will not in the exercise of Letters Patent jurisdiction venture out to interfere when no error has been shown in the impugned order.

Appeal dismissed.

Pending application, if any, also stands dismissed.

(MAHESH GROVER)
JUDGE

23.08.2018 (MAHABIR SINGH SINDHU)
dss JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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