

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

RSA No.4611 of 2013 (O&M)

Date of Order: 04.04.2018

Ashok Chugh

..Appellant

Versus

Vishwa Mitar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Sharma, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

C.M.No.11795-C-2017

Prayer in this application is for bringing on record the legal representatives of Vishwa Mitar-respondent.

For the reasons mentioned in the application, which is supported by an affidavit, the application is allowed, subject to all just exceptions. The legal representative mentioned in paragraph 3 of the application is brought on record for the purpose of prosecuting this appeal only.

Amended memorandum of parties filed along with the application is taken on record.

RSA No.4611 of 2013

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit for partition of the property.

Both the courts after examining the evidence available on the file and after relying upon the dissolution deed, which is duly signed by the plaintiff and his brother, have dismissed the suit.

No doubt, plaintiff was, at one point of time, owner of some part of the property. However, later on a firm was constituted and for the business of the firm, the property was used. The dissolution deed executed while dissolving the firm is signed by the plaintiff and other brother, namely K.D.Chugh and is also signed by Sh.S.K.Arora, who was Manager of the State Bank of India. The Court had arrived at a conclusion that once the property came under the ownership of the partnership firm and thereafter on dissolution it went to the share of defendant, plaintiff cannot claim partition. The dissolution deed was executed in the year 1993. The plaintiff lodged an FIR alleging that the dissolution deed is forged and fabricated. In the criminal case also, the plaintiff lost.

The concurrent findings of fact arrived at by the courts below is not shown to be the result of misreading of evidence or perverse. Hence, there is no good ground to interfere.

The regular second appeal is dismissed.

April 04, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No