

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

RSA No.2863 of 2016 (O&M)
Date of decision : 26.10.2018

Amar Nath

...Appellant

Versus

Urmila Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.N. Mehtani, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while dismissing the suit for partition filed by him.

Both the Courts have concurrently found that all the co-owners have not been impleaded as party, i.e. heirs of Sona Devi.

Learned counsel for the appellant could not dispute this factual position, however, submitted that the plaintiff has only prayed for partition of his 1/3rd share in the joint property. In a suit for partition, all the co-sharers are necessary party and one co-sharer cannot seek separation of his share without impleading all the co-sharers as party in the suit. Still further, learned counsel could not dispute that Raj Kumar who claimed to be adopted son was more than 15 years and, therefore, his adoption was in violation of Section 11 of the Hindu Adoptions and Maintenance Act, 1956.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

26.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

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