

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

**LPA No.708 of 2018 (O&M)
Date of Decision: 15.05.2018**

Gurdip Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM:-HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. J.S.Khiva, Advocate,
for the appellant.

TEJINDER SINGH DHINDSA, J.

CM No.1954 of 2018

Instant application has been filed under Section 5 of the Limitation Act seeking condonation of delay of 383 days that has occurred in filing the accompanying appeal.

The contents of the application did not disclose any justifiable ground and basis to condone the inordinate delay of 383 days.

Prayer is declined.

Application dismissed.

Main Appeal

Instant appeal has been preferred under Clause X of the Letters Patent against judgment dated 20.03.2017 vide which writ petition filed by the appellant was dismissed.

Appellant filed writ petition assailing the orders dated

05.03.2013 and 13.10.2006 passed by the Financial Commissioner (Revenue) Punjab and Assistant Collector Ist Grade-cum-Tehsildar respectively vide which an application dated 04.01.2006 seeking partition of land measuring 342 kanals 3 marlas at the instance of respondent Nos.4 and 5 was ordered to be maintainable and the plea of family partition raised by appellant was declined.

Learned counsel for the appellant has raised a solitary submission that the land in question had already been partitioned through a written agreement dated 05.01.2006 and on the basis of which the parties had got an entry recorded in the *Rapat Roznamcha* of the Patwari on 25.01.2006. It is urged that such vital aspect has been overlooked by the learned Single Judge while passing the impugned judgment.

No other point was urged.

Having heard counsel for the appellant at length and having perused the case paper book, we are of considered view that the appeal is without merit and deserves to be dismissed.

The concurrent finding recorded is that no valid private partition had been carried out between the parties. Out of 27 co-sharers in the land only 01 person i.e. the appellant was claiming that a private partition had been effected. The *Rapat Roznamcha* dated 25.01.20016 relied upon by the appellant merely recorded that he is entitled to 912/2226 share of land comprised in 111 kanals 06 marlas. Share of the appellant even as per *Rapat Roznamcha* was reflected along with shares of Gurmail Singh,

Gurpal Singh and Niranjan Singh. Such entry did not prove that the land had been partitioned as the appellant was still reflected as being in possession of a share of the land.

Learned Single Judge has observed in the impugned judgment that no mutation had been sanctioned or even entered on the basis of the alleged private partition.

It has rightfully been held that the entry in the revenue record carries a presumption of truth under Section 44 of the Punjab Land Revenue Act, 1887.

The concurrent findings recorded by the Revenue authorities as regards no private partition having taken place did not call for any intervention by the Writ Court in exercise of the extra ordinary writ jurisdiction.

There is no merit in the appeal and the same is consequently dismissed.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

15.05.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No