

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

**102**

**RSA-352-2016 (O&M)  
Date of Decision : 20.09.2018**

Ram Kumar

..... Appellant

Versus

Satish Kumar and another

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI  
\*\*\***

Present :- Mr. I.D. Singla, Advocate  
for the appellant.

Mr. A.K. Kansal, Advocate  
for the caveator-respondent No.1.

\*\*\*

**AJAY TEWARI, J. (ORAL)**

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit of respondent No.1 by holding that the respondent No.1 was entitled to partition of land measuring 1 kanal 14 marla on the basis that he was the co-sharer to the extent of 1/15<sup>th</sup> share.

Notice of motion.

Mr. A.K. Kansal, Advocate accepts notice on behalf of respondent No.1.

The case of the appellant was that actually the mother of the respondent No.1 and his elder brother had sold the entire land to him fraudulently because at that time the respondent No.1 was the minor and while getting the inheritance of his father mutated, he was omitted from the list of legal representatives and therefore the appellant was a bonafide purchaser having purchased the land from those vendees. It was

further pleaded that in any case the respondent No.1 had no share in the land in dispute.

Both the courts below held that the respondent No.1 had proved that he had also inherited 1/15<sup>th</sup> share in the land in dispute which his mother and elder brother could not have sold away and rather they had sold only 1 kanal 7 marla of land and he was entitled for a decree of possession by way of partition.

Counsel for the appellant has not been able to show me how the courts below have erred in arriving at such finding of fact after considering the entire revenue record and other evidence.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**September 20, 2018**  
*ashish*

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No