

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

**RSA-3610-2016 (O&M)
Date of Decision:13.08.2018**

Ratan Lal

... Appellant

Versus

Hemraj & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rajneesh Chaudhary, Advocate for
Mr. Amit Parashar, Advocate for the appellant.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CM-9433-C-2016:

This is an application filed under Section 151 CPC seeking condonation of 10 days delay that has occurred in re-filing the appeal.

In view of the averments made in the application, application is allowed. Delay of 10 days in re-filing the appeal is condoned.

Application is disposed of.

CM-9434-C-2015:

This is an application filed under Section 5 of the Limitation Act read with Section 151 CPC seeking condonation of 8 days delay that has occurred in filing the accompanying appeal.

No sufficient cause has been shown for condonation of 8 days delay.

Application is dismissed.

Main case:

Plaintiff/appellant is in second appeal before this Court having remained unsuccessful in both the Courts below.

2. Briefly, it may be noticed that plaintiff-Ratan Lal filed a suit for partition pertaining to a residential house and a vacant plot by asserting that the same was coparcenary and joint Hindu family property and as such, the plaintiff and defendants No.2 to 4 had an equal share of 1/5th each in the suit property.

3. Suit filed by the plaintiff was dismissed by the trial Court on 06.09.2012 and the civil appeal preferred by him has met the same fate vide impugned judgment dated 15.09.2015 passed by the learned Additional District Judge, Narnaul.

4. I have heard counsel for the appellant at length and have perused the case paper book.

5. During the course of arguments, counsel for the appellant has not been able to rebut the factual premise that even though partition was sought pertaining to a residential house/vacant plot but no precise description and identification of the suit property had been furnished. Furthermore, even though, it was the claim and assertion of the plaintiff that the suit property was ancestral/coparcenary joint Hindu family property but no evidence had been led to substantiate such plea.

6. It may also be noticed that defendant No.5 had been impleaded subsequently being a necessary and proper party on the basis that she had purchased the suit property for a sale consideration of an amount of Rs.80,000/- vide sale deed dated 17.07.2007 and the sale deed had been duly proved upon examination of the attesting witness and the scribe, yet the plaintiff had not challenged the sale deed and sought any declaration qua the same.

7. Under such circumstances, no patent infirmity or irregularity is

found in the impugned judgment declining the suit of the plaintiff/appellant seeking partition of the suit property.

8. No warrant for interference is made out.

9. The instant appeal does not raise any question of law much less substantial question of law.

10. Dismissed.

11. Since the main appeal itself has been decided, pending applications, if any, shall also stands disposed of.

13.08.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No