

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

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**RSA-5029-2016 (O&M)
Date of Decision : 28.9.2018**

Kartar Singh @ Lakhi

....Appellant

vs.

Prem Pal and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Chirag Wadhwa, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM-13072-C-2016

For the reasons recorded, the application is allowed. Delay of 20 days in filing the appeal is condoned.

Main Case

This appeal has been filed against the Courts below dismissing a suit for partition filed by the appellant.

The appellant had filed a suit for partition of 5 biswas of land which as per him was shown as joint in the revenue record. Both the Courts below found that as per the revenue record there was some other joint land also and dismissed the suit on the ground that the appellant had sought partial partition. Learned counsel has stated that this problem has arisen only because the revenue authority omitted to incorporate a subsequent acquisition in the revenue record. That argument may have carried some weight if the appellant had led any other evidence that only the

land stated by him was joint but, as mentioned above his whole case was based on the revenue record. Once that was so, he would have to either sink or swim with it. Now he cannot argue that for the purpose of allowing partition the revenue record should be relied upon but for the purpose of determining the total area the revenue record should not be relied.

Resultantly, the appeal stands dismissed.

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

28.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No