

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

**RSA No.6178 of 2016 (O&M)
Date of Order: 12.11.2018**

Shivraj Singh and others

..Appellants

Versus

Binder Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sherry K. Singla, Advocate,
for the appellants.

Mr. J.S.Brar, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The first grievance of the appellants is to the effect that their share in the joint land has been reduced and the plaintiff Binder Singh cannot be allotted more land than what he has purchased or his vendors owned.

Learned counsel for the respondent-plaintiff has stated that no land has been allotted in the partition proceedings either to his vendors, namely Balwinder Singh, Pal Singh and Darshan Singh or to him.

Five persons, namely, Shivraj Singh, Iqbal Singh, Darshan Singh sons of Mohinder Singh son of Jarnail Singh, Gurpreet Singh son of Darshan Singh son of Mohinder Singh and Angrej Kaur wife of Mukand Singh son of Natha Singh were co-sharers in a bigger joint khata with others. There was partition proceedings initiated in which these 5 defendants, 4 out of them are appellants before this court, were allotted a

consolidated chunk of land. Iqbal Singh, one of them has sold the land to Balwinder Singh, Pal Singh and Darshan Singh who in turn sold the property in favour of plaintiff Binder Singh, vide sale deed Ex.P1.

Learned first appellate court has declared that the plaintiff is co-owner in joint possession of the land, which is consolidated khata of 5 defendants named above.

In the considered view of this court, declaration to that extent is in accordance with law.

Next grievance of the appellant is to the effect that declaration has been granted that the plaintiff is co-owner in joint possession to the extent of 8 kanals 13 marlas, whereas Iqbal Singh was not owner to the extent of 8 kanals 13 marlas.

This fact is disputed by learned counsel for the plaintiff, who states that Iqbal Singh was owner to the extent of 9 kanals and 4 marlas.

In the considered view of this court, such aspect can only be examined whenever inter-se partition between the co-sharers in the smaller khewat carved out is carried out.

In view thereof, the appeal is disposed of.

November 12, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No