

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

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**RSA No.5132 of 2015 (O&M)
Date of Decision: July 11, 2018**

Sarwan Singh and others

.....APPELLANT (s).

VERSUS

Jaswinder Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Mohd. Yousaf, Advocate
for the appellants.

AJAY TEWARI, J.(Oral)

CM No.-12267-C-2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 158 days in re-filing the appeal is condoned.

Application is allowed.

Main Case

This appeal has been filed against the concurrent judgments of the Courts below dismissing suit dated 21.07.2007 filed by the appellants wherein they challenged the order of partition of the land dated 03.10.1994, which had been passed by the Assistant Collector Ist Grade, Jalandhar.

Both the Courts held that the case of the appellants was that the order of the partition had been obtained by fraud, particularly by procuring false report of service. The Courts below further found that against the order of partition, the appellants had filed an appeal which was dismissed. Thereafter revision was filed before the Commissioner, Jalandhar Division, which was dismissed in the year 2003. Thereafter, respondents No.1 and 2

filed a suit for permanent injunction for restraining the appellants for interfering in their possession of the partitioned land, which was also decreed. The Courts below held that even if the allegations of non-service were correct, yet once their revision petition was dismissed by the Commissioner in the year 2003, they could have best had filed the suit within three years and dismissed the suit on the basis of limitation.

I find no fault with the judgments of the courts below.

Dismissed.

July 11, 2018
A.Kaundal

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No