

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

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**CM-12978-C-2015 in/and
RSA-5442-2015 (O&M)
Date of Decision : 07.02.2018**

Surinder Singh

..... Appellant

Versus

Tarjeet Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vijay Rana, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM-12978-C-2015

For the reasons recorded, the application is allowed. Delay of 48 days in refiling the appeal is condoned.

RSA-5442-2015 (O&M)

By this appeal the appellant has challenged the concurrent judgments of the courts below decreeing a suit filed by the respondent No.1 for partition of a house.

The parties are brothers and the respondent No.1 had sought partition of house measuring 4 marlas situated in Radio Colony, Jalandhar City. Originally the respondent No.2 had also filed a suit as plaintiff-respondent No.1 but apparently later on he decided to oppose the claim for partition and by an order of 2006 was transposed as defendant No.2. Thereafter he filed his independent written statement and suit proceeded.

The contention of the appellant and the respondent No.2 ultimately was that

there was other property which was joint between the parties and consequently the respondent No.1 could not seek partial partition. Both the courts below noticed that other properties to which reference was being made had been inherited from Khazan Singh but the property in dispute had been purchased by three brothers through separate sale deeds and ultimately held that it was not a case of partial partition.

Counsel for the appellant has not been able to show me how this finding is flawed.

Appeal is dismissed. No costs.

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

February 07, 2018
ashish

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No