

RSA-1393-2017 (O&M)

112

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

**RSA-1393-2017 (O&M)
Date of decision : 19.12.2018**

Rakesh Jain and another

... Appellants

Versus

Harsha Bala and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashok Kumar Khubbar, Advocate
for the appellants.

AMIT RAWAL, J.

The appellants-defendants have assailed the concurrent findings of fact, whereby the preliminary decree for separate possession, conferring the shares, has been passed.

Learned counsel appearing on behalf of the appellants-defendants submitted that the parties had already been living separately and there was an implied partition, which was not reflected in the revenue record. There was also mutual agreement of partition and in view thereof, ₹5 Lacs was paid to one of the co-sharers.

I am afraid the aforementioned argument is not sustainable, for, the defendants miserably failed to prove the assertions made in the written statement as the record of rights of the ownership reflected the jointness. As regards the separate possession, the same can be looked into at the time of drawing of the final decree.

RSA-1393-2017 (O&M)

In this view of the matter, there cannot be any illegality or perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination.

Resultantly, the regular second appeal is dismissed.

19.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**