

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.1525 of 2018 (O&M)

Date of decision: 20.03.2018

Boria Singh and others

..... Appellants

Versus

Chajju Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.S. Bhinder, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-4039-C-2018

Application is allowed. Deficiency in Court fee has already been made good. Delay, if any is condoned.

Main Case

Defendants-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while decreeing the suit for partition of the joint property and permanent injunction.

Defendants claim that the suit is bad for partial partition and there is already a family partition and therefore, the suit is not maintainable. In support of the plea taken by the defendants-appellants, a bahi entry was sought to be produced. It is admitted that original bahi entry was not produced on file. Both the Courts have held that since the bahi entry is partitioning the property, hence, the document was required to be registered

under the Registration Act and since it is not registered, therefore, it is not admissible in evidence.

Learned counsel for the appellants has read over the bahi entry. The writing is in presentie. If the immovable property is to be partitioned through a deed of partition, the document has to be registered before it can enforced. Still further, the original writing has not been produced.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

20.03.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No