

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

-.-

RSA 1705 of 2018 (O&M)
Date of decision: 27.03.2018

Satbir Singh

.....Appellant

Versus

Karambir and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. D S Nigha, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against consistent findings recorded by the Courts whereby suit filed by the appellant/plaintiff seeking separate possession by way of partition of suit property i.e. plot measuring 2267 square yards situated within Abadi Lal/Dora of village Assan, Tehsil and District Rohtak by claiming 1/3rd share in the suit property was dismissed by the trial Court and findings recorded by the trial Court have been affirmed in appeal.

The sole submission made by counsel for the appellant is that the judgments passed by the Courts are based on assumption and presumptions, therefore, cannot be allowed to sustain.

I have heard counsel for the appellant and perused the judgments passed by the Courts.

The Court in appeal, on a detailed consideration of materials on record, has come to the conclusion that the respondents/defendants have

raised construction of their pucca house over an area of about 1400 square yards which was raised 10-12 years ago. Virender Singh (PW2) examined by the appellant admitted the factum of existence of houses of descendants of Bhup Singh over an area of about 1400 square yards for the past about 10-12 years. Further held that it can safely be inferred from conduct of the parties that they had partitioned the property in question and for that reason, the appellant did not raise an issue at the time when construction of *pucca* houses was raised over portion of about 1400 square yards shown in site plans Ex.D13 and Ex.D14. The present appeal does not give rise to a question of law that needs adjudication by hearing the contesting party.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

27.03.2018
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No