

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

113

CM-5662-C-2017 in/and  
RSA-2329-2017 (O&M)  
Date of Decision : 10.9.2018

Kashmir Singh

...Appellant

vs.

Sahib Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. M.K.Dogra, Advocate  
for the appellant.

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AJAY TEWARI, J. (Oral)

CM-5662-C-2017

For the reasons recorded, the application is allowed. Delay of 8 days in filing the appeal is condoned.

CM-5663-C-2017

For the reasons recorded, the application is allowed. Delay of 53 days in refiling the appeal is condoned.

Main Case

This appeal has been filed against the concurrent judgments of the Courts below whereby a suit for partition and separate possession filed by the respondent has been decreed.

Admitted facts are that shop in dispute was got by the appellant in partnership with one Harbans Lal. Later on, their joint business did not succeed and was closed down. Consequently, Harbans Lal sold his share to

the respondent and that is how the respondent filed the instant suit.

Counsel has not been able to dispute the fact that the shop in dispute was initially purchased alongwith Harbans Lal and once that is so, Harbans Lal could sell his share and the vendee could always seek possession by way of partition.

In the circumstances, the appeal stands dismissed.

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

**10.9.2018  
anuradha**

**(AJAY TEWARI)  
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No