

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

RSA No.205 of 2018 (O&M)
Date of decision : 01.11.2018

Rajinder Singh and others

...Appellants

Versus

Rajan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Inderjit Sharma, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Both the Courts have concurrently found that since the plaintiffs had withdrawn the suit against defendant Nos.5 to 11 who are co-owners, therefore, the suit for separate possession by way of partition, is liable to be dismissed.

Learned counsel for the appellants could not dispute the correctness of the aforesaid findings. However, he submits that he may be permitted to withdraw the suit with a permission to file a fresh one.

The suit for partition can always be filed after impleading proper parties and the dismissal of the present suit on the ground that the proper parties have not been impleaded would not come in their way. Hence, there is no ground to interfere.

Regular Second Appeal stands disposed of.

01.11.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No