

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

**R.S.A No. 5154 of 2017
Date of decision : 27.02.2018**

Bhupinder Singh @ Raju through LR's & orsAppellants

versus

Nazar Singh & others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Dinesh Nagar, Advocate
for the appellants.

RITU BAHRI, J.

This regular second appeal is directed against the concurrent finding of facts recorded by the Court below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant'), seeking decree for declaration to the effect that he and defendant No. 41 are joint owners in possession of land as duly recorded in column of ownership, has been dismissed.

A bare perusal of the impugned judgments shows that the suit of appellant has rightly been dismissed, as the order dated 20.08.2008 Ex P1 passed by Assistant Collector Ist Grade, Nawanshahar shows that the notice was served upon all the respondents on the application for partition filed by respondent No. 1. The present appellant Bhupinder Singh and respondent No. 41 refused to accept the notice and thereafter, they were served through munadi vide order dated 10.11.2006 and munadi was effected on 14.11.2006. Thus, the court below had held that once the appellant and respondent No. 41 chose not to appear in the partition proceedings, they now cannot agitated that the partition proceedings dated 20.08.2008 is a sheer violation of the provisions of law. The partition

proceedings were finalized on 20.08.2008 and thereafter, warrants of possession regarding shares of the parties were issued. Respondent No. 1 was given his share of land vide Ex P4. The possession was also delivered to respondent No. 1. Further the argument of learned counsel for the appellant that the Gram Panchyat was never made the party in the partition proceedings was also rightly rejected as in case the Gram Panchyat was aggrieved of partition proceedings order, the same could have challenged the partition proceedings.

Accordingly, the judgments and decree passed by both the Courts below do not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

27.02.2018
G Arora

(RITU BAHRI)
JUDGE