

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

**RSA No.5226 of 2017 (O&M)
Date of Decision: 25.10.2018**

Ujjagar Singh (deceased) through his LRs

... Appellant

Versus

Amar Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. B.S.Jaswal, Advocate,
for the appellant.

TEJINDER SINGH DHINDSA, J.

Plaintiff is in second appeal having remained unsuccessful in both the Courts below.

Briefly, it may be noticed that plaintiff filed a suit for declaration to the effect that he is co-sharer in possession to the extent of 1/4th share out of land measuring 154 kanals 18 marlas i.e. suit land. It was asserted that suit land is still joint and has never been partitioned. The alleged partition deed dated 21.09.1985 is illegal, null and void and not binding on the plaintiff as the same is a forged document. Challenge was also laid to the mutation sanctioned on the basis of the alleged partition deed dated 21.09.1985. Suit filed by the plaintiff was dismissed by the trial Court on 06.01.2014 and the Civil Appeal preferred has met the same fate vide judgment dated 14.10.2016 passed by the Learned Additional District Judge, Amritsar.

Counsel for the appellant has been heard at length

and the pleadings on record have been perused.

Brief case set up by the plaintiff was that originally he along with his brothers, namely, Jarnail Singh, Bachan Singh and Hari Singh were co-sharers to the extent of 1/4th share each in the suit land. Jarnail Singh died and his estate was inherited by defendant Nos.1 to 3. Bachan Singh died and his estate was inherited by defendant Nos.4 to 6 and likewise Hari Singh also died and his estate was inherited by defendant No.7. It was alleged that Jarnail Singh and Bachan Singh in connivance with each other forged the partition deed dated 21.09.1985. Such partition deed was never signed or thumb marked by the plaintiff and as such the suit land is still joint having not been partitioned. Even the mutation in pursuance to the alleged partition is stated to have been got sanctioned by brothers of the plaintiff in connivance with the revenue authorities.

During the course of arguments, learned counsel for the appellant has fairly stated that no evidence had been led by the plaintiff before the Courts below to demolish the partition deed dated 21.09.1985 and to substantiate the plea that the same was a forged and fabricated document.

Rather it has been conceded that the revenue record reflects the respective parties to be in possession of their share of the suit property as per partition deed dated 21.09.1985. In other words, the partition deed dated 21.09.1985 having been acted upon stands admitted.

Under such circumstances, no interference in the matter is warranted.

Appeal does not raise any question of law.

Appeal dismissed.

25.10.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No