

RSA-543-2017 (O&M)

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

**RSA-543-2017 (O&M)
Date of decision : 06.12.2018**

Bhag Singh

... Appellant

Versus

Sant Singh (deceased) through LRs

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Jain, Advocate
for the appellant.

AMIT RAWAL, J.

The appellant-defendant has not been successful in defending the preliminary decree of separate possession by partition to the extent of half share.

The sole argument raised before this Court is that the appellant had raised the construction on 4 marlas of land and in view of preliminary decree, would be deprived of the possession.

I am afraid the aforementioned argument is not sustainable at this stage and can be raised only at the time of drawing of final decree by taking the aid of Sections 3 and 4 of the Indian Partition Act.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for

interference is made out.

Resultantly, the present regular second appeal is dismissed.

06.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**