

RSA-5481-2017 (O&M)

132

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

**RSA-5481-2017 (O&M)
Date of decision : 14.12.2018**

Kuldeep and others

... Appellants

Versus

Randhir and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Madan Gupta, Advocate
for the appellants.

AMIT RAWAL, J.

The appellants-plaintiffs are not successful in defending the appeal of the respondents-defendants, whereby the suit for partition, decreed by the trial Court, has been dismissed by the lower Appellate Court.

Learned counsel appearing on behalf of the appellants-plaintiffs submitted that the trial Court on the basis of the revenue record found that the parties to the *lis* were co-sharers and passed the preliminary decree, but the lower Appellate Court has abdicated in relying upon the mutation dated 21.06.1996 (Ex.D10), which does not prove that some partition had taken place between the parties.

I am afraid the aforementioned argument is not sustainable as Ex.D10 had come on record before the lower Appellate Court by way of additional evidence, which clinched the issue as way back as in 1996 i.e. 21.06.1996 that the parties to the *lis* had already partitioned the property and

RSA-5481-2017 (O&M)

mutation, in this regard, was entered into, thus, the suit without disclosing the aforementioned information was not maintainable.

In this view of the matter, there cannot be any illegality or perversity in the judgment and decree of the lower Appellate Court, much less, no substantial question of law arises for determination.

Resultantly, the regular second appeal is dismissed.

14.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**