

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

203

RSA-4877-2012 (O&M)

Date of decision: 10.09.2019

MANJIT SINGH AND ORS

... Appellants

Versus

INDERJIT SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Bansal, Advocate for the appellants.
Mr. Sunil Agnihotri, Advocate for respondent No.1.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against judgment and decree dated 22.05.2012 passed by the Additional District Judge, Adhoc Fast Track Court-I, Hoshiarpur whereby appeal against the judgment and decree dated 19.01.2009 passed by the Civil Judge (Jr. Div), Dasuya was allowed, impugned judgment and decree was set aside and suit filed by the respondent/plaintiff was decreed to the effect that the respondent/plaintiff is entitle to partition of his 1/3rd share in the suit property consisting of 3 shops and described as ABCDEFGH in the site plan.

Indisputably, the suit property was previously owned by Sh. Naranjan Singh and he was succeeded by his class-I heirs namely Inderjit Singh, Gurmit Singh, Manjit Singh and Chint Kaur being sons and widow of the deceased. Smt. Chint Kaur died during pendency of litigation before the Courts.

Counsel for the parties are *ad idem* that the present appeal may be disposed of with modification in the following terms:-

1. The plaintiff, defendants No.1, 2 and 14 shall be entitle to 1/4th share each in the suit property on the basis of natural succession to Sh. Naranjan Singh.
2. The plaintiff shall be entitle to partition of his 1/4th share in the suit property and preliminary decree of partition is passed accordingly.
3. The right of plaintiff and defendants No.1 and 2 in

respect of 1/4th share of Smt. Chint Kaur is left open and the parties may take recourse to appropriate remedy for necessary decision, in this regard, without any prejudice to their right in view of any observations made by the Court(s) in the present litigation.

4. The plaintiff would be at liberty to seek recourse to appropriate remedy for claiming use and occupation charges to the extent of his share of the shops in question from defendants No.1 and 2, in accordance with law.

Disposed of accordingly.

10.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No