

RSA-1820-2016 (O&M)

124

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

**RSA-1820-2016 (O&M)
Date of decision : 20.02.2019**

Ram Singh

... Appellant

Versus

Joginder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Chauhan, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

CM-4887-C-2016

For the reasons stated in the application, the delay of 16 days in
refiling the appeal is condoned.

CM stands disposed of.

RSA-1820-2016

The short point involved in the present regular second appeal is
whether the plaintiff could be permitted to challenge the partition
proceedings which attained finality, in view of the provisions of Section 158
of the Punjab Land Revenue Act. The answer is 'No'. The plaintiff did not
aver in the plaint with regard to the partition proceedings effected in 2001,
resulting into, mutation No.3057, impugned. In such circumstances, the suit
was not maintainable. This is what has been held by the Courts below.

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

RSA-1820-2016 (O&M)

interference is made out.

Resultantly, the present regular second appeal is dismissed.

20.02.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**