

RSA No.4808 of 2016 (O&M)

{1}

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

RSA No.4808 of 2016 (O&M)

Date of decision:14.02.2019

Ram Mehar and another

... Appellants

Vs.

Hawa Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ajay Ghangas, Advocate
for the appellants.

Mr. Harish Sharma, Advocate
for the caveator/respondent(s).

AMIT RAWAL J. (Oral)

The appellant-plaintiffs have not been successful in claiming the declaration, possession and permanent injunction qua allotment of plot no.33 measuring 434 square yards to the defendants in lieu of the partition proceedings arrived at in respect of two parcels of land measuring 23 kanals 8 marlas and 33 kanals 11 marlas sold by Jai Lal, husband of plaintiff no.1 and father of plaintiff no.2, vide two different sale deeds dated 25.06.1981 and 23.06.1997.

Concededly, preliminary decree in the partition proceedings was passed on 04.05.1991 and final on 28.10.1995 whereas the suit was filed in the year 2008. Both the Courts below have not granted the relief on the ground that plaintiffs failed to explain the delay and as well as on merit.

I do not subscribe the arguments of Mr. Ajay Ghangas, as the sale deed dated 25.06.1981 did not grant any corresponding rights of abadi

deh to the vendees i.e. defendants. Once the partition proceedings pertained to abadi deh, plot was carved and the same was liable to be allotted to the plaintiffs being successors-in-interest of Jai Lal.

No ground for interference is made out.

Resultantly, the regular second appeal is dismissed.

February 14, 2019

savita

Whether Speaking/Reasoned

Whether Reportable

(AMIT RAWAL)

JUDGE

Yes/No

Yes/No