

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

RSA No.2735 of 2014 (O&M)

Date of decision : 28.03.2019

State of Punjab and another

...Appellants

Versus

Ravinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. N.K. Banka, DAG, Punjab for the appellants.

Mr. Malkeet Singh, Advocate for the respondents.

ANIL KSHETARPAL, J.

Defendant-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while passing a preliminary decree for partition of the property.

Keeping in view the fact that a school is situated on the suit property, this Court vide order dated 25.01.2019 granted another opportunity to the State of Punjab to get the record re-examined and submit its report. An affidavit has been filed by the concerned Sub Divisional Magistrate, Ludhiana (East).

Plaintiffs filed this suit claiming that the land comprised in Rectangle No.61, Khasra No.12 in Village Dhandari Kalan, measuring 4 kanals 5 marlas is joint and same be ordered to be partitioned. Plaintiffs claim that they are entitled to land to the extent of 2 kanals 4 marlas.

Defendant-State of Punjab contested the suit and pleaded that a school building is located on the property in dispute since 1922 and the plaintiffs have no right, title or interest.

Both the Courts on appreciation of evidence have found that out

of the land comprised in aforesaid khasra number i.e. the suit land, 41 shares belonged to the Provincial Government whereas remaining shares are owned by the plaintiffs-respondents.

As noted in the initial part, Sub Divisional Magistrate, Ludhiana (East) has filed an affidavit. He admits that as per the revenue record, plaintiffs are co-sharers to the extent of 2 kanals 4 marlas out of total land measuring 4 kanals 5 marlas comprised in Rectangle No.61, Khasra No.12. He has submitted that on discrete enquiry, he has come to know that plaintiffs had in lieu of their share in the land comprised in Rectangle No.61, Khasra No.12 i.e. the suit land, got possession of land comprised in Khasra No.57/1 in adjoining village i.e. Dhandari Khurd in oral exchange. However, he admits that the Municipal Committee, Ludhiana is in possession of the aforesaid land as the plaintiffs were dispossessed from the aforesaid land after having remained in possession for approximately 12-13 years. Opportunity was further granted to the State to come up with a solution to the problem. However, even after grant of sufficient time, no concrete proposal was put forth.

The findings of fact arrived at by the Courts below do not suffer from any perversity or error entitling this Court to interfere in the Regular Second Appeal. Hence, there is no ground to interfere.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

28.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No