

RSA No.426 of 2017 (O&M)

{1}

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

**RSA No.426 of 2017 (O&M)
Date of decision:15.01.2019**

Ushman Mohammad @ Habbu

... Appellant

Vs.

Nikhil and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rakesh Kumar Sharma, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.906-C-2017

For the reasons stated in the application which is duly supported by an affidavit, delay of 245 days in re-filing the appeal is condoned.

C.M stands allowed.

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The sole ground on which the appellant-plaintiff has assailed the judgment and decree of the Lower Appellate Court holding the sale deed dated 13.07.1982 to be valid as there was no declaration as the appeal has been dismissed.

I am afraid the aforementioned argument is not sustainable, for, once the Court below has already upheld the sale deed, ibid and relegated the appellant-plaintiff to avail the remedy of partition to the joint holding, there cannot be any impediment for seeking partition.

No ground for interference is made out.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 15, 2019
savita

Whether Speaking/ReasonedYes/No

Whether ReportableYes/No