

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

**RSA-1408-1989 (O&M)
Date of Decision: 04.03.2020**

JASWANT KAUR

.....Appellant

Vs

BABU SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Jaswal Advocate for the appellant.
Mr. Saurabh Garg, Advocate for the respondent No. 3 to 6.

ANIL KSHETARPAL J. (Oral)

The plaintiff-appellant has filed the present Regular Second Appeal against the judgment and decree passed by the trial Court which was modified by First Appellate Court.

The plaintiff had filed the suit for separate possession of 1/3rd share by way of partition of building and the house. Learned trial Court decreed the suit by passing a preliminary decree of partition declaring the plaintiff to be entitled to 1/3rd share.

Learned First Appellate Court slightly modified the decree and held that although the plaintiff is entitled to 1/3rd share but she cannot be delivered possession being a stranger to the family.

Learned counsel appearing for respondent Nos.3 and 6 has submitted that the present appeal has been rendered infructuous as the appellant has already sold her 1/3rd share to Swaran Singh and Fakir Chand, respondent No. 3. He has

placed on file a photocopy of the sale deed.

Learned counsel for the appellant submits that he has no instructions in this regard.

Keeping in view the aforesaid facts, the present Regular Second Appeal is dismissed having been rendered infructuous with liberty to the appellant to file an application for revival, if anything still survives.

(ANIL KSHETARPAL)

JUDGE

04.03.2020

*monika**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No