

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

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RSA-3519-2018 (O&M)

Date of decision: 26.02.2020

MAHESH KUMAR SOOD

... Appellant

Versus

MANOHAR LAL SOOD AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Munish Gupta, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against judgments and decrees passed by the Courts whereby suit for separate possession to the extent of 1/5th share by way of partition of residential house No.B-4, MCH-425, detailed in headnote of the plaint was decreed.

Apart from the fact that there is delay of 142 days in re-filing the appeal, the appeal sans merit and deserves to be dismissed.

The appellant/defendant No.3 is son of Ravinder Kumar Sood (since deceased) and dispute qua the suit property was raised by his paternal uncle Sh. Manohar Lal Sood wherein Narinder Kumar Sood and successors in interest of Ravinder Kumar Sood sons of late Shankar Dass Sood were impleaded on the array of defendants.

Perusal of the judgments would reveal that the appellant raised plea of family settlement on the basis whereof three houses bearing Nos.423, 425 and 426 including the house in question bearing No.425 are stated to be given to different co-sharers namely Manohar Lal, Narinder Kumar and family of Ravinder Kumar Sood. However, the Courts have consistently held against the appellant in respect of any such family settlement and consequently, the respondent/plaintiff was held to be co-owner in the suit property to the extent of 1/5th share.

Counsel for the appellant has failed to point out that consistent factual findings recorded by the Courts are either the result of mis-interpretation of evidence on record or failure to take into consideration materials that has serious effect on decision of the case on merits. In this

view of the matter, I do not find an error much less perversity in the judgments impugned warranting intervention.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

26.02.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No