

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

RSA-538-2018 (O&M)
Date of decision : 21.01.2020

Om Parkash

...Appellant

Versus

Varinderjit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ranjit Saini, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below, decreeing the suit for separate possession by way of partition of the joint property.

Both the Courts below, on appreciation of evidence, have found that the plaintiffs-respondents are entitled to 2/5th share whereas the defendant-appellant is entitled to 3/5th share.

Learned counsel for the appellant submits that size of the property is small and, therefore, it would not be practically possible to physically divide the aforesaid property.

This Court has considered the submissions. At this stage, when only a preliminary decree for partition has been passed, there is no ground to interfere. The Court while dealing with the application for final partition would consider the aforesaid aspect and pass appropriate order.

Accordingly, the present appeal is dismissed.

21.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No