

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

RSA No. 846 of 2018 (O&M)

Date of decision: 12.03.2020.

Satnam Kaur and another

..... Appellants.

Versus

Darshan Kaur and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Inderjit Sharma, Advocate, for the appellants.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellants/defendants have challenged the judgments and decrees of the Courts below whereby the suit preferred by the respondents/plaintiffs for separate possession by way of partition has been allowed.

Learned counsel for the appellants/defendants contends that the Courts below have erroneously decreed the suit although in terms of the report of the local commissioner it was not possible to partition the property by metes and bounds.

Heard.

The respondents/plaintiffs had preferred a suit for separate possession by way of partition to the extent of 2/9th share of the property/building measuring 14' x 90' comprising 8 shops bearing Municipal No. 4/163, situated within the municipal/revenue limits of Raman Mandi, Tehsil Talwandi Sabo, District Bathinda. In terms of the preliminary decree dated 17.09.2011, the respondents/plaintiffs were held entitled to separate possession of specific portion to the extent of 2/9th share of the suit property. The appeal filed by the appellants/defendants against the preliminary decree

had also been dismissed. Consequently, an application was preferred by the respondents/plaintiffs for passing of the final decree. It is evident from the material on record that it is not in dispute that the respondents/plaintiffs are co-sharers to the extent of 2/9th share of the suit property bearing Municipal No. 4/163. The suit property comprises 8 shops with a total area of 14' x 90'. 2/9th share has been calculated as 14' x 20' and two shops of this dimension and area bearing No.6 and 7 had been directed to be partitioned by metes and bounds. I do not find any illegality in the judgments and decrees of the Courts below to the extent that 2/9th share in the form of aforementioned two shops bearing No.6 and 7 had rightly been held to be falling in the share of the respondents/plaintiffs. There appears to be an error in the description of the suit property, as it was mentioned as 3/163. This error had rightly been corrected by the Appellate Court as it is not in dispute that the property actually falls in No. 4/164 within the municipal limits of Raman Mandi, Tehsil Talwandi Sabo, District Bathinda.

Therefore, the Courts below while partitioning the property have relied upon the evidence on record including the report of the local commissioner. The report of the local commissioner does not indicate that the property could not have been partitioned.

In view of the above, I do not find any manifest illegality in the judgments and decrees of the Courts below. Consequently, the appeal stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

12.03.2020
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No