

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 04.02.2020****CR No.6299 of 2018 (O&M)**

Jarnail Singh since deceased through his LRs & others ...Petitioners

Vs.

Sukhdev Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Sanjiv Gupta, Advocate, for the petitioners.

Mr. K.S.Boparai and Mr. Arvind Kashyap, Advocates,
for respondent No.1.**RAJIV NARAIN RAINA, J. (ORAL)**

1. An appeal has been preferred against the final decree in partition proceedings, which is pending in the court of learned Additional District Judge, Ludhiana.

2. In view of this, this revision has been rendered infructuous and is disposed of as such, but with the clarification that the Appellate Court will decide the disputed issues between the parties by returning findings on each of the contested issue/s regarding the manner and mode of partition of property. The Appellate Court may also consider the report of the Local Commissioner, if submitted, which appointment was impugned in the present petition or he may consider any fresh appointment of a Local Commissioner from the revenue department at its discretion.

3. It is expected that the Appellate Court will restrict its consideration keeping in mind the preliminary decree declaring the shares of the parties and would thereafter proceed in accordance with law.

4. Till such time as the final order is made, the status quo order will continue to operate between the parties subject to the final outcome of appeal. Since the partition proceedings have been lingering on for a number of years, the Appellate Court will make an endeavour to decide the appeal within three months when the matter is placed before its board and parties present.

5. Nothing said in the impugned order will influence the Appellate Court who will take a fair and impartial decision independently.

04.02.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No