

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

**CWP No.16792 of 2021
Date of Decision:31.08.2021**

Saraswati and others

....Petitioners

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vikram Singh, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

The petitioners have challenged order dated 03.02.2020 passed by the Learned Financial Commissioner, whereby their revision petition has been dismissed.

The mode of partition was accepted on 24.09.2008 and no appeal was preferred against the said order. It provided for one *kurra* for respondent No.5 and also provided for keeping the possession intact. *Sanad takseem* was issued on 12.11.2012. The same was challenged by way of revision before the learned Financial Commissioner and this challenge has failed.

Learned counsel for the petitioners submits that possession of the parties could not have been disturbed under any circumstances as the mode of partition provided for the same. The learned Financial Commissioner has failed to keep this aspect in mind and, thus, the impugned order is liable to be set aside.

Vide the impugned order, the learned Financial Commissioner has held that grant of consolidated and compact *takh* is also a principle of partition and that preservation of possession does not over-ride the said principle. Both principles have to co-exist as far as possible.

As has been noted hereinabove, the mode of partition provides for one

kurra for respondent No.5 and it also provides for keeping the possession intact. However, if the stipulation regarding keeping the possession intact was to be rigidly adhered to, respondent No.5 could not have been granted one *kurra*. Thus, the learned Financial Commissioner was justified in observing that maintenance of possession and grant of consolidated *takh* are both principles of partition and they have to co-exist.

In view of the above, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

31.08.2021
Poonam Negi

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No