

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

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**CR-1610-2021(O&M)  
Date of Order:18.08.2021**

RAJENDER SHARMA AND ANR

**..Petitioners**

**Versus**

SAROJ TIWARI AND ANR

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Vikas Bishnoi Godara, Advocate,  
for the petitioners.

**ANIL KSHETARPAL, J(Oral)**

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner assails the correctness of order passed by the learned First Appellate Court refusing to stay the operation of the impugned judgment and decree dated 24.02.2021. In a suit for partition of the joint property, the Court passed a preliminary decree for partition on 24.09.2019. Thereafter, on the application of respondent No.1, a local commissioner was appointed to suggest the mode and manner of partition. The petitioner filed objection to the aforesaid report of the local commissioner which was dismissed by the Additional Civil Judge (Senior Division), Fatehabad, vide order dated 24.02.2021. The petitioner filed an appeal against the order passed by the trial Court dismissing the objection petition.

Learned First Appellate Court, after noticing the facts of the case, held that the petitioner has failed to make out a case to grant stay of the operation of the impugned order dismissing objections.

On a Court question, learned counsel representing the petitioner

is unable to inform the Court about the status of the pending appeal, if any, against the preliminary decree of partition of property dated 24.09.2019.

Keeping in view the aforesaid facts, no ground to exercise the jurisdiction under Article 227 of the Constitution of India.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

**August 18, 2021**  
**Ay**

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No