

CWP-20958-2021

Date of Decision: 12.10.2021

Sheo Chand (since deceased) through LR's and another

....Petitioners

VS

Financial Commissioner, Revenue, Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Varun Sharma, Advocate for the petitioners

SUDHIR MITTAL, J. (Oral)

The petitioners are successors-in-interest of Sheo Chand and Nihal. Said Sheo Chand and Nihal were parties to a partition application filed some time in the year 1990-91. *Sanad* was issued on 04.01.1990. The same was never challenged by the predecessors of the petitioners. It has been alleged that the petitioners acquired knowledge of the order of partition after their death some time in the year 2017. Thus, the present writ petition has been filed challenging the *sanad* on the ground that the same is illegal on account of partial partition. The petitioners have no independent right to challenge the *sanad*. They are claiming their right on account of succession. The predecessors-in-interest did not challenge the *sanad* during their life time and, thus, the petitioners can not raise any challenge to the same at this stage. Further, bald submission of counsel for the petitioners that they acquired knowledge of the partition proceedings only in the year 2018 can not be accepted. Even if it is assumed that the submission is correct, the writ petition would still be barred by delay and laches.

For the aforementioned reasons, the writ petition has no merit and the same is dismissed.

12.10.2021

reena

(SUDHIR MITTAL)
JUDGEWhether speaking/reasoned
Whether Reportable :Yes/No
Yes/No