

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

Sr. No.106

**RSA No.1205 of 2021 (O&M)  
Date of Decision : November 11, 2021**

Jaipal Sachdeva

...Petitioner

Versus

Rajesh Bala and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Chouhan Satwinder Singh Sisodia, Advocate for  
Ms. Savita, Advocate, for the petitioner.

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**SUDHIR MITTAL, J. (ORAL)**

A suit for partition of house No.631, Sector 20-A, Chandigarh was filed by respondent No.1. After issuance of notice and hearing the parties, a preliminary decree incorporating the shares of the parties has been passed. The same was challenged by the appellant but the appeal did not succeed. Thus, the present regular second appeal has been filed.

Learned counsel for the appellant has submitted that the owner of the suit property was Ram Parkash Chandna. He had five daughters, one of whom was the plaintiff. The appellant was the husband of Suman Bala (one of the five daughters). Said Ram Parkash Chandna was being looked after by Suman Bala and the appellant. After her death, the appellant continued to look after him. He was residing in the suit property along with them. Three of the daughters sold their combined 60% shares to defendant No.5 before filing of the suit. The preliminary decree is illegal as it has been passed despite earlier sale of 60% share and without valuation of the

suit property. It has further been submitted that the decree is also illegal because the appellant has been in possession for the last 40 years.

The arguments raised are totally misconceived. I do not see how prior sale of share of 60% bars passing of a preliminary decree. The preliminary decree only determines the respective shares of the parties and thus, prior valuation was not necessary. The appellant being in possession for the last 40 years also cannot make the decree illegal.

In view of the above, there is no merit in the regular second appeal. It is accordingly dismissed not only on merits but on the ground of limitation also.

**CM Nos.5121 & 5122-C-2021**

Since the main case stands dismissed, the present applications are also dismissed.

**November 11, 2021**

*Ankur*

**(SUDHIR MITTAL)  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No