

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

Sr. No.117

**CWP-2424-2022 (O&M)
Date of decision : 08.03.2022**

Maya Devi and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vivek Khatri, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners have challenged the order dated 16.11.2021 (Annexure P-10) passed by the Financial Commissioner, whereby, the matter has been remanded to the Assistant Collector, Second Grade, for partitioning the whole joint khewat.

The relevant facts are that a partition application was preferred by the petitioners on 18.11.2010. Mode of partition was accepted on 18.12.2012 in the presence of respondent No.5. All proceedings were carried out in the presence of the private respondents and ultimately, *sanad* was issued on 24.07.2014. Challenge to the same by way of an appeal filed by respondent No.5 failed. The Collector dismissed the appeal vide order dated 29.06.2015, whereafter, the Financial Commissioner was approached. As stated earlier, the revision has been allowed by the Financial Commissioner after condoning the delay in filing the same.

Learned counsel for the petitioners has argued that the order is cryptic and non-speaking and deserves to be set aside on this ground alone. That apart, the partition proceedings having been conducted in the presence of respondent No.5, there was no error therein and thus, the *sanad* could not

A perusal of the impugned order shows that the case has been remanded for a fresh decision only on the ground of partial partition. Partial partition is not permissible in law and thus, even though, the partition proceedings may be legal and valid insofar as the same having been conducted in the presence of all parties, they cannot be upheld on account of partial partition. One line in this regard is sufficient and thus, the argument that the orders are cryptic and non-speaking cannot be accepted.

In view of above, the writ petition has no merit and is dismissed. It is expected that the partition proceedings will be done in accordance with law and after permitting the parties to raise all relevant issues.

(SUDHIR MITTAL)
JUDGE

08.03.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No