

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CM No.10144-CWP of 2022 in/and
CWP No.5724 of 2020
Date of Decision: 18.07.2022

Pargat Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunny K.Singla, Advocate,
for the applicant-petitioners.

SUDHIR MITTAL, J. (Oral)

CM No.10144-CWP of 2022

This application has been filed for recalling the order dated 02.03.2020 passed by this Court and for listing of the main case on the ground that stay of partition sought in RSA No.3210 of 2006 has been declined.

For the reasons stated therein, the application is allowed and the main case is taken up on Board.

Main Case

The Assistant Collector refused to adjourn the partition proceedings sine die, after an application was filed by the private respondent pointing out that a question of title was pending adjudication. The appeal filed by him succeeded and it was directed that the partition proceedings be adjourned sine die.

Challenge to this order by way of an appeal filed by the petitioners succeeded but the said order has been reversed by the Financial Commissioner.

Admittedly, RSA No.3210 of 2006 is pending adjudication. The said appeal arises out of a suit for declaration of title. It is, thus, evident that question of title is pending adjudication before the Civil Court. Rejection of the application filed for stay of partition proceedings would not be of any assistance to the petitioners. Different considerations are involved while deciding application for injunction and an application for stay of partition on the basis of existence of question of title.

This writ petition arises out of an application for adjourning the partition proceedings sine die awaiting the decision of the Civil Court. Section 117 of the Punjab Land Revenue Act, 1887 stipulates that partition proceedings should commence only after the decision of question of title.

Thus, rejection of the aforementioned application cannot help the case of the petitioners.

The writ petition has no merit and is dismissed.

18.07.2022
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(SUDHIR MITTAL)
JUDGE

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