

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

Sr. No.139

CWP-10515-2022 (O&M)
Date of decision : 17.05.2022

Baldev Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Parminder Singh, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

During the partition proceedings, a mode of partition was sanctioned on 15.06.1983. Appeal there-against was dismissed vide order dated 25.04.1984 and revision was dismissed vide order dated 01.08.1996. Thus, proceedings before the Assistant Collector re-commenced, but by then two of the co-sharers namely, Gurbax Singh and Santokh Singh had died and thus, applications were filed for impleadment of their LR's. Vide order dated 29.11.2010, the LR's of Santokh Singh were impleaded, whereas, application for impleadment of LR's of Gurbax Singh was dismissed. Order dated 29.11.2010 was appealed against and the appeal was allowed vide order dated 22.07.2014. The Assistant Collector was directed to decide the application(s) for impleadment of LR's afresh. Thereafter, vide order dated 23.01.2020, mode of partition was sanctioned once again by the Assistant Collector and decision of the application(s) for impleadment of LR's has not been given. The order dated 23.01.2020 has been challenged by way of appeal, but the same has been dismissed by the Collector on the ground that no appeal is maintainable against a zimni order.

Learned counsel for the petitioner submits that the order dated 05.01.2022 passed by the Collector, Batala is illegal and deserves to be set aside.

The argument cannot be accepted because a perusal of the zimni orders shows that objections to the mode of partition have been invited by the Assistant Collector. Appeal has been filed without submitting objections and thus, the order dated 05.01.2022 is not liable to be interfered with.

The writ petition is accordingly dismissed with liberty to the petitioner to file objections to the mode of partition as well as applications for deciding the pending applications for impleadment of LR's.

(SUDHIR MITTAL)
JUDGE

17.05.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No