

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

225

RSA-1486-2015 (O&M)

Date of decision : 13.072022

Jang Singh (deceased) through LRs and others

...Appellants

Versus

Kesar Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Dinesh Kumar, Advocate
for the petitioners.

Mr. Nikhil Vats, Advocate for
Mr. K.S.Chahal, Advocate
for respondents No.1 to 6 and 8.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff's suit for partition of the property comprised in Khasra No.20/65 situated in the revenue estate of village Khumbharwal, Tehsil Dhuri has been dismissed, by both the Courts below on the ground that the plaintiff's pray for the partial partition.

Learned counsel representing the appellants contends that there is no evidence on record to prove that the property in which the plaintiffs are residing is the joint property of the parties. It has been noted here that the plaintiffs while appearing in evidence claim that the aforesaid property has been purchased by them. However, they have failed to prove the purchase. They claim to have purchased the property in writing, which is not a registered document. They have not examined their vendor as a witness, to corroborate the fact of purchase.

Keeping in view the aforesaid facts, both the Courts have held that the plaintiff while filing the suit did not include in the entire joint property particularly after relying upon the evidence led by the defendants. Hence, no ground for interference is made out. The plaintiffs can file a fresh suit for partition after including entire property.

Dismissed.

13.072022

anju

(ANIL KSHETARPAL)

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No