

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

RSA-4349-2014 (O&M)

Date of decision: 06.07.2022

Kanta Devi and another

....Appellants

Versus

Mamta Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Malkeet Singh, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

While assailing the judgment and decree passed by the First Appellate Court, the plaintiffs have filed the present appeal. Their suit for grant of decree of separate possession by way of partition has been dismissed on the ground that they have neither included the entire land nor impleaded all the co-owners as party. The plaintiffs purchased the land measuring 17 marlas through two different registered sale deeds, out of the land comprised in khewat/khata no.24, as per jamabandi for the year 1999-2000. The total area of the khata no.24 is 8 kanals 17 marlas. The plaintiffs' vendors are also the co-owners. Neither they were impleaded as a party nor the entire land measuring 8 kanals 17 marlas was included in the said suit.

Learned counsel representing the appellants contends that the plaintiffs purchased the property out of specific khasra nos. i.e 146 and 147, therefore, their suit was maintainable. The concept of co-sharer/co-owner in agricultural land is with reference to khata/khewat number. It is not confined to a particular Khasra Number. Once the

plaintiffs have purchased an undivided share in a joint khata, they have to file a suit for partition by impleading all the co-owners as well as by including the entire land.

Keeping in view the aforesaid facts, no ground to interfere is made out. Hence, dismissed. The plaintiffs can always file a fresh suit for partition by impleading appropriate parties and including the entire land.

All the pending miscellaneous applications, if any, are also disposed of.

06.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE