

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

***CM-1460-LPA-2022 in/and
LPA-630-2022 (O&M)
Date of Decision:13.04.2023***

Dhoom Singh Appellant

Vs.

State of Haryana and others Respondents

**CORAM: HON'BLE MR JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS JUSTICE SUKHVINDER KAUR**

Present: Mr.Ishnoor Singh, Advocate, for
Mr.Vikram Singh, Advocate, for the applicant/appellant.

M.S. RAMACHANDRA RAO, J. (ORAL)

CM-1460-LPA-2022

This application is filed under Section 5 of the Limitation Act, 1963
to condone the delay of 20 days in filing the appeal.

Notice in the application as well as in the main appeal.

Ms.Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of
the non-applicants/respondents and states that she has no objection if the
application is allowed.

Accordingly, the application is allowed and the delay of 20 days in
filing the appeal is hereby condoned.

LPA-630-2022 (O&M)

This appeal is preferred by the appellant challenging the order
dt.25.05.2022 passed in CWP-10929-2022.

The learned Single Judge had confirmed in the said judgment, orders
passed by respondent No.3 dt.26.02.2013 (P5) which was confirmed by

respondent No.2 vide order dt.06.08.2014 (P7) and by respondent No.1 vide order dt.31.03.2022 (P9).

In the order dt.26.02.2013 (P5), respondent No.3 had merely remitted the matter back for fresh consideration of the objections raised by the respondents on the Naksha Bey and for preparation of a fresh Naksha Bey, having accepted the contentions of the respondents that their objections were not properly considered and costly land in the Naksha Bey, which is situated in Muana Safidon main road was not given to all co-sharers but was given to only one party.

The main issue is as to “*what is the appropriate mode of partition to be adopted; and whether such mode has been correctly followed while preparing the Naksha Bey*”?

Thus on remand the issue is going to be reconsidered by the primary authority, and no serious prejudice is caused to the appellant since the appellant as well as the respondents would be heard and their respective contentions would be considered on all aspects by the primary authority.

We therefore, agree with the view of the learned Single Judge that the impugned orders do not require any interference. Therefore, this appeal is dismissed. No costs.

Pending application(s), if any, shall stand disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

13.04.2023

Vivek

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No