

2023:PHHC:110334

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

RSA-507-2018 (O&M)
Date of decision: 23.08.2023

Tara Singh

..Appellant

Versus

M/s Shiva Paints @ Chemicals and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Karanjit Singh, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

The correctness of the concurrent findings of fact arrived at by the courts below is challenged by the plaintiff in this Regular Second Appeal. He filed a suit for grant of decree of declaration challenging the sale deed executed by defendant no.1 in favour of defendant no.2 and 3 on 17.03.2005. It is claimed by the plaintiff that defendant no.1 has sold the specified plot, which does not belong to him. The First Appellate Court has found that the plots are part of a decree having a common khata number. It has also been observed that sale of specific land would be deemed to be a sale of share, which shall be required to be adjusted at the time of partition of the joint khata.

Learned counsel representing the appellant does not dispute that the plots are part of the same Khewat. In such circumstances, the remedy, if any, lies in instituting the proceedings for partition of the property.

Hence, no ground to interfere is made out.

Dismissed.

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

23.08.2023
rekha

(ANIL KSHETARPAL)
JUDGE

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