

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

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2024:PHHC:058840

**RSA-135-1994 (O&M)
Date of decision: 30.04.2024**

INDER SINGH

..Appellant

Versus

HIRDA SINGH & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pritam Singh Saini, Advocate
for the appellant.

Mr. A.S. Virk, Advocate
for respondent No.1.

Mr. Abhinav Sood, Advocate
for respondent No.3 to 6.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the Courts below while dismissing his suit for possession by way of partition of the property.

2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.

3. The plaintiffs filed a suit claiming that the suit property is ancestral and has not been partitioned till date. They seek partition of the property. The defendant No.1, 3 to 6 admitted the plaintiffs claim, however, defendant No.2 contested the suit by stating that the property is not joint. In evidence, the plaintiffs produced the judgment passed on 27.05.1987 (Ex.P-2) to prove that the suit property is ancestral, however, both the Courts have found that the suit property in the judgment passed in the year 1987 is not same as the property involved in this suit. It has come on record that Sh.

the site plan (Ex.P-1) is in possession of Sh. Hirda, which has been partitioned by the defendants. Similarly, portion ‘B’ is in possession of Sh. Prabhu while portion ‘C’ and ‘D’ are in possession of Sh. Sadhu. Again portion ‘E’ is in possession of Sh. Hirda and portion ‘F’ is a joint property kept for a water tank. Even Sh. Darshan Lal has admitted that the portion of land marked by letter ‘E’ is possessed by Sh. Bhartu and Sh. Sadhu. Sh. Nathi Ram has admitted that except the suit property, rest of the joint property of the parties was partitioned during the lifetime of their ancestors.

4. On appreciation of evidence, both the Courts have found that the parties are in separate possession of the property for the last 50-60 years.

5. The learned counsel representing the appellant though made a sincere attempt, however, failed to draw the attention of the Court to any perversity or substantive error in the judgments passed by the Courts below.

6. Hence, no ground to interfere is made out.

7. Dismissed accordingly.

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

April 30th, 2024

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(ANIL KSHETARPAL)
JUDGE

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