



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

RSA-58-1993(O&M) (O&M)

Date of Order:07.02.2025

NARESH KUMAR

.Appellant

Versus

SUDESH BALA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurcharan Dass, Advocate
for the appellant.

Mr. Sandeep Arora, Advocate
for the respondents.

ANIL KSHETARPAL, JUDGE (Oral)

1. The defendant has filed this Regular Second Appeal against the concurrent findings of fact arrived at by the courts below while passing a preliminary decree for partition of 1/4th share belonging to the plaintiff (Smt. Sudesh Bala). Sh. Bihari Lal was owner of the property. He left behind widow Smt. Subag Rani, son Sh. Jiwan Lal and two daughters, Smt. Kamlesh Rani and Smt. Sudesh Bala. Smt. Subag Rani and Sh. Jiwan Lal sold the house to the appellant. Smt. Sudesh Bala filed a suit for partition on the ground that she is entitled to 1/4th share as Bihari Lal died intestate. Both the courts decreed her claim.

2. On 02.12.2024, after hearing the learned counsel representing the parties, the following order was passed:-

“Learned counsel appearing on behalf of the appellant drawn attention of this court to the order dated 21.11.1995 passed by this court and contends that the dispute in question was confined to an area measuring 16



sq. yards and that he had made an offer to compensates the respondent-plaintiff with regard to her share in the property but it was not accepted then.

Learned counsel appearing on behalf of respondent no.1 contends that he may be granted some time so as to complete his instructions and to explore the possibility of an amicable resolution of the dispute.

In the interest of justice, adjourned to 27.01.2025.”

3. Thereafter, substantial efforts have been made to resolve the controversy.

4. The learned counsel representing the respondents submits that she being 80 years old lady, is unable to come. Before the property is physically divided by metes and bounds, there is another round. Proceedings for final partition are yet to commence. The appellant will have opportunity to request the court on the similar lines which would be considered by the court in accordance with law.

5. Disposed of accordingly.

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

(ANIL KSHETARPAL)
JUDGE

February 07, 2025

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