

2025:PHHC:155667



[204] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1966-2022 (O&M)
Date of Decision : 11.11.2025

Tarlochan Singh ...Petitioner

versus

Pargan SinghRespondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Parvinder Singh, Advocate for the petitioner.

Mr. Sarju Puri, Senior Advocate with
Ms. Anjila Guru, Advocate and
Ms. Anshika, Advocate
for the respondent.

PANKAJ JAIN, J. (ORAL)

[1] Challenge is to the Order dated 29.03.2022 passed by the learned Additional Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar, whereby application filed by the respondent seeking correction/modification of Order dated 02.03.2020 has been allowed.

[2] In a suit filed for permanent injunction, the counter-claim filed by the defendant seeking partition of the suit has been allowed *qua* the property bounded as under:-

“East : Previously Hukam Chand, then Bansi Lal, his son now plaintiff, and Joginder Singh.

West :Property of Shivdev Singh Bajwa, now Lehmbur Ram & others,

North : Arya Smaj Road,

South : Property of Joginder Singh ”

[3] The preliminary decree was passed, which attained finality. A Local Commissioner's report was called for, on the basis thereof, the final decree dated 02.03.2020 was drawn. The petitioner claims to have filed objections against the Local Commissioner's report. During the pendency of that application, the respondent filed an application seeking correction/modification of the judgment and decree dated 02.03.2020, claiming that though the final decree has been drawn but the parties have not been assigned the respective portions.

[4] The learned Trial Court allowed the said application and observed as under:-

*“13. In view of the circumstances noted above, the application at hand is allowed. The order dated 02.03.2020 is modified to the extent that the Western portion of the property in question shall be allotted to the applicant and the Eastern portion of the property in question shall be allotted to the respondent and apart from the same, the other conditions of the order dated 02.03.2020 shall remain the same. This order is made a part of the order dated 02.03.2020. **The decree sheet is ordered to be re-drawn.** Reader shall do the needful. After due compilation, file be consigned to the record room.”*

[5] Learned counsel for the petitioner has assailed the order passed by the Trial Court, submitting that once the precise objection raised by the petitioner regarding vagueness of the report of the Local Commissioner stands dismissed and the same have attained finality, it ought not have been corrected by passing the order of modification.

[6] Having considered the arguments raised by learned counsel for the parties and after carefully perusing record of the case, this Court finds

that the argument raised by Mr. Parvinder Singh, counsel for the petitioner, *sans* merit. A preliminary decree was passed whereby both the parties were held entitled to ½ share. Report from the Local Commissioner was called for to carve out the shares. Local Commissioner divided the property into two equal shares. The Court while drawing final decree, is well within its jurisdiction to assign the parties their respective shares. This is precisely what the Court has done. In case, the argument raised by counsel for the petitioner is accepted, the same shall lead to a situation where despite the final decree of partition, the rights of the parties shall still remain unadjudicated. The same cannot be allowed.

[7] In view thereof, this Court finds that the Trial Court has rightly allotted the share to the respondent by modifying the final decree. Finding no merits in the present revision petition, the same is ordered to be **dismissed**.

[8] All pending miscellaneous application(s), if any, stands *disposed off*.

(PANKAJ JAIN)
JUDGE

11.11.2025
'R. Sharma'

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