



LPA-1402-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1402-2024 (O&M)**Date of decision: 24.07.2025****Devi Singh****.... Appellant****Vs.****Financial Commissioner (Appeals), Punjab and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Naveen Batra, Advocate,
for the appellant.

Mr. Ramandeep Singh Pandher, Addl. A.G. Punjab.

Mr. Sherry K. Singla, Advocate,
for respondents No.2 and 3.

KULDEEP TIWARI, J.

1. The partition proceedings arising out of two applications, as preferred by Mr. Balwinder Singh-respondent No.2, attained finality up to the Court of Financial Commissioner, Punjab, and the same was put to legal scrutiny before this Court by filing CWP No. 26681 of 2023, and CWP No.28107 of 2023, by Devi Singh and Vinod Kumari, respectively. The learned Single Judge, finding no perversity or illegality in the orders passed by the Revenue Courts, dismissed the above said writ petitions. Learned Single Judge, while drawing the order of dismissal, has specifically observed that the partition proceedings were done purely in accordance with sanctioned mode of partition. The possession was disturbed, only to the extent where it was required as per law. Even the issue of tube-well has been settled by different Civil Courts whereby, it was held to be kept in joint possession, and the same would be used by all the co-sharers as per the finalized partition proceedings. The legality of the judgment, as rendered by the learned Single Judge, vide order dated 19.12.2023, has been put to challenge by filing the instant intra-court appeal by one of the petitioners i.e. Devi Singh.



2. The learned counsel for the appellant submits that the site plan 'B', is not in accordance with the sanctioned mode of partition as the possession has been disturbed. He also submits that there were various objections raised by the appellants, but none of them were considered or adjudicated upon, in their right perspective. He in addition submits that the family partition, which was done about 40 years ago, was also not taken into consideration.

3. The contentions of learned counsel for the appellant were opposed by the learned counsel for respondents No.2 and 3, and made submissions that the appellant has not disclosed the fact that the partition proceedings has already attained finality, and *sanad taqseem* (final document of partition) has already been issued. Not only that, the appellant, by acting upon the final partition, has further sold the land which fell in his share. Therefore, now he cannot turn around and lay challenge to the final partition proceedings.

4. This Court has heard learned counsel for the parties concerned, and has perused the entire record.

5. The main grievance, which the appellant raised before this Court is that, the possession has been disturbed, which is a clear violation of the sanctioned mode of partition. It is also averred that there were no agreed terms authorizing the Revenue Authority to change the existing possession. This Court has examined the terms and conditions of the sanctioned mode of partition, and finds that the possession can be disturbed considering the requirement of attaching road/Gohar to the land of all the parties, as per their share. The relevant term No.2, is extracted hereinafter:-

“2. The efforts will be done to make partition by not disturbing the possession but due to requirement of attaching road/Gohar to the land of all parties as per their share, the possession can be disturbed. The partition of land of the parties will be done according to Bad to bad and good to good land.”

6. In view of the above, the only argument of the learned counsel for the appellant pales into insignificance. Further, this aspect has already been examined by the learned Revenue Courts upto the level of Financial Commissioner and moreover, the learned counsel for the appellant is unable



to point out any illegality or perversity in the order (supra) requiring interference of this Court. Further, it is also not disputed by the learned counsel for the appellant that after the sanction of the *sanad taqseem* (final document of partition), the appellant has already acted upon the same by selling the land which fell in his share. Therefore, the appellant has acquiesced to the partition proceedings, hence, now is estopped to challenge the legality of the same.

7. No other arguments has been raised before this Court.
8. In view of the above, the instant appeal is devoid of any merits, and the same is accordingly **dismissed**.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

24.07.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No