



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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LPA-1412-2025 (O&M)

Date of Decision: August 07, 2025

Sh. Sube Singh

.....Appellant (s)

Vs.

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Vikram Singh Narwal, Advocate
for the appellant.

ASHWANI KUMAR MISHRA J. (ORAL)

CM-3467-LPA-2025

The present application has been filed seeking condonation of delay of 112 days in refiling the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is ***allowed*** and delay of 112 days in refiling the appeal, is hereby condoned.

LPA-1412-2025

This appeal assails order dated 25.11.2024, passed by the learned Single Bench in CWP-18975-2024 filed by the appellant.

2. Learned Single Bench has dismissed the writ petition filed by the present appellant with following observations:-

“5. It is not disputed before this Court that the petitioner was proceeded against ex-parte in the partition proceedings before the learned Assistant Collector. It has come on record that the



petitioner and other co-sharers were summoned as per rules by sending notices, however upon refusal to accept those notices, registered notices were again sent and thereafter, even munadi (proclamation) was carried out in the village. It has not been shown by the learned counsel for the petitioner that the petitioner was wrongly proceeded against ex-parte and in the absence of the same, it cannot be agitated on behalf of the petitioner that the partition has been carried out at his back.

5.1 As regards the other contention raised on behalf of the petitioner that the Revenue Authorities have wrongly partitioned the gair mumkin area, wherein houses/shops have been constructed, it is noticed that the learned Commissioner, Hisar, while dismissing the revision petition filed by the petitioner vide order dated 15.04.2024 (Annexure P-4) has recorded a finding that as per Jamabandi for the year 2016-17, out of total land under partition measuring 36 Kanal-14 Marlas, an area measuring 33 Kanal-14 Marlas, was recorded as Chahi and only 02 Kanal-10 Marlas area was gair mumkin. A perusal of Sanad Takseem would show that the gair mumkin area has not been partitioned, rather the same has been kept in a joint Khewat of all the co-sharers, which also includes other land of the Khewat under partition (belonging to other co-sharers in the said Khewat, who had not opted for getting their share separated).”

3. In the present appeal, the same arguments are again agitated. Neither the order-sheet has been annexed nor any material has been brought on record to show that the finding of the learned Single Judge, reproduced above, is factually in-correct. On the other aspect also, it is not shown that the *gair mumkin* land has been included in partition.

4. In that view of the matter, no occasion arises for this Court to interfere in the impugned judgment passed by the learned Single Bench.



5. Accordingly, the appeal stands *dismissed*.
6. All Pending application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

August 07, 2025
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No