

CWP-17419-2025 (O&M) *and*
CWP-17420-2025 (O&M)

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

Date of Decision: 29.07.2025

(132)

CWP-17419-2025

Sunehara and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

(133)

CWP-17420-2025

Sunehara and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Parminder Singh, Advocate
for the petitioner(s) (in both the cases).

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

CM-10397-CWP-2025 in CWP-17419-2025:

Prayer in the present application is for placing on record the
zimni orders (Annexure P-15).

For the reasons mentioned in the application, the *zimni* orders
(Annexure P-15) are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CM-10396-CWP-2025 in CWP-17420-2025:

Prayer in the present application is for placing on record the

zimni orders (Annexure P-14).

For the reasons mentioned in the application, the *zimni* orders (Annexure P-14) are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-17419-2025 & CWP-17420-2025:

This order shall dispose of two writ petitions, bearing CWP-17419-2025 and CWP-17420-2025; and for the sake of convenience, the facts are being derived from CWP-17419-2025.

1.1 Petition (CWP-17419-2025) is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside orders dated 09.08.2022 (Annexure P-6), 25.11.2022 (Annexure P-7), 23.12.2022 (Annexure P-8) & 03.04.2023 (Annexure P-11), passed by the learned Assistant Collector, 1st Grade, Madlauda; and order dated 06.03.2025 (Annexure P-13) passed by the learned Divisional Commissioner, Karnal.

2. Briefly, respondents No.4 to 7 herein filed an application seeking partition of the joint land comprised in Khewat No.204/175 situated at Village Lohari, Tehsil Madlauda, District Panipat.

2.1 It appears that in the said partition proceedings, petitioners herein were proceeded against *ex parte* vide order dated 09.08.2022 (Annexure P-6) passed by the learned Assistant Collector, 1st Grade, Madlauda. Thereafter, Mode of Partition was proposed, which subsequently came to be sanctioned by the learned Assistant Collector, 1st Grade, Madlauda, vide order dated 25.11.2022 (Annexure P-7); whereupon, *Naksha Bey* was called from the field staff and since no objections were filed by any of the co-sharers, the same was sanctioned vide order dated 30.12.2022. Ultimately, the partition proceedings came to be concluded by drawing of

Sanad Takseem (Instrument of Partition) vide order dated 03.04.2023 (Annexure P-11) passed by the learned Assistant Collector, 1st Grade, Madlauda.

2.2 It is stated that the petitioners became aware of the aforesaid partition proceedings only on 02.06.2023, (during the proceedings initiated for execution/implementation of *Sanad Takseem*) and they immediately preferred a revision petition (Annexure P-12) before the learned Divisional Commissioner, Karnal, however, the same was dismissed vide order dated 06.03.2025 (Annexure P-13).

3. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

4. Learned counsel for the petitioners submits that petitioners have been wrongly proceeded against *ex parte* by the learned Assistant Collector, 1st Grade, Madlauda. It is further submitted that the petitioners are in possession of the land comprised in Killa No.39/2, however, in the partition proceedings in question, their possession has been arbitrarily disturbed. It is contended that even the learned Divisional Commissioner, Karnal has failed to appreciate the issues raised before him and has wrongly dismissed the revision petition, filed by the petitioners.

5. Heard.

6. As regards the contention of learned counsel for the petitioner that they were wrongly proceeded against *ex parte*, it is observed that petitioners No.1 to 11 herein and petitioners No.12 to 20 herein were impleaded as respondents No.2 to 12 and respondents No.14, 16 to 23 respectively, in the partition application(s). It is further observed from the zimni orders (Annexure P-15) that petitioners No.1 and 13 herein, namely

Sh. Sunehara and Sh. Narender @ Narender Kumar (impleaded as respondents No.2 and 16 respectively in the partition application) along with one other co-sharer, namely Kali Ram, (who is the legal representative of one Late Sh. Krishan); were duly served in the partition proceedings and had appeared before the learned Assistant Collector, 1st Grade, Madlauda, District Panipat on 25.11.2021. Further, on 16.12.2021, petitioner No. 1– Sh. Sunehara had also sought time to file reply to the partition application. It is further borne out from the zimni orders (Annexure P-15) that even a proclamation (*mustari munadi*) was carried out in the Village for serving the co-sharers in the partition application.

6.1 Apparently, petitioner No.1 – Sh. Sunehara and petitioner No.13 – Sh. Narender @ Narender Kumar had subsequently absented from the partition proceedings and were accordingly proceeded against *ex parte* vide order dated 09.08.2022 (Annexure P-6) passed by the learned Assistant Collector, 1st Grade, Madlauda.

7. The aforesaid factum that petitioners No.1 and 13 had appeared in the partition proceedings before the learned Assistant Collector, 1st Grade, Madlauda, is also not disputed by learned counsel for the petitioners. It is also not disputed that petitioners No.1 and 13 are related to the other petitioners herein.

8. In this view of the matter, once petitioners No.1 and 13 were duly aware of the partition proceedings and had in fact appeared before the learned Assistant Collector, 1st Grade, Madlauda and sought time to file reply to the partition application, it cannot be accepted that the petitioners, who are stated to be related to each other; were not aware of the partition proceedings or that they were wrongly proceeded against *ex parte*.

Therefore, the said contention on behalf of the petitioners is rejected.

9. As regards the contention of learned counsel for the petitioners that possession of the petitioners has been disturbed in the partition in question, it is observed that learned counsel for the petitioners has failed to place on record any document/*khasra girdawari* to indicate that the petitioners were in specific/exclusive possession of which khasra numbers from which they claim that their possession was disturbed.

10. Further, a perusal of the *Aks Shajra* (Annexure P-10 @ page No.51 of CWP-17419-2025) attached with the *Naksha Bey* would show that respondents No.4 to 7 have been allocated land (shown in green colour) and the remaining land of the co-sharers have been kept adjoining to the main road/passage.

10.1 Learned counsel for the petitioners has failed to indicate as to what prejudice has been caused to the petitioners by the manner in which partition in question has been carried out.

11. Considering the totality of circumstances, I find no merit in the present petitions and the same are accordingly, dismissed.

12. All pending application(s), if any, shall also stand closed.

13. Photocopy of this order be placed on the file of connected case.

29.07.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No