

**LPA-1641 of 2019 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****LPA-1641 of 2019 (O&M)
Date of Decision: December 03, 2025****Parduman Singh****.... Appellant****Versus****Mohinder Singh and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: - Mr. Vipin Mahajan, Senior Advocate with
Mr. Randeep Singh, Advocate
for the appellants.

Mr. Rahul Rampal, Addl. Advocate General, Punjab
for respondent Nos.1 to 6.

Mr. Rai Singh Chauhan, Advocate and
Mr. Rohit Sapehiya, Advocate and
Ms. Deepika Chauhan, Advocate
for respondent Nos. 7 to 54.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The challenge in the present writ petition is to the order dated 25.07.2019 passed by the learned Single Judge by which the partition proceedings qua land in question have been set aside on the ground that the procedure envisaged in law for effecting a partition of land, has not been followed.

2. Learned Senior counsel appearing on behalf of the appellant argues that the reason given by the learned Single Judge in the impugned order to set aside the partition effected which has been impugned is that though the mode of partition was proposed on

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02.12.1998 but without even finalizing the same in accordance with law, partition proceedings have been given the effect of final proceeding without following process of law, which view of the learned Single Judge is incorrect.

3. Learned counsel for the appellant submits that the learned Single Judge, ignored the fact that on 02.12.1998 the said mode of partition was put forth before all the co-sharers for partition of the joint land but none of the interested parties came to object the same, which led to the finalization of the partition proceedings on the basis of mode of partition as described vide order dated 02.12.1998 passed by the Assistant Collector, Grade-I and that too by following the process of law.

4. Learned Senior counsel appearing on behalf of the appellant further submits that once no one appeared on behalf of the respondent so as to raise objection qua the said mode of partition, hence, going ahead with the partition of land in question, as proposed on 02.12.1998 was perfectly valid and legal and the learned Single Judge has erred in holding that there was no finalization of mode of partition.

5. Learned counsel appearing on behalf of the respondent on the other hand submits that on 02.12.1998, the order proposing a mode of partition was passed. In the said order, no next date for the purpose of filing the objection was given and two days after the passing of said the order. An order was passed by the Reader with regard to the mode of partition, stating therein that a copy of order

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dated 02.12.1998 is being be sent to Girdawar Halqa for completion of partition proceedings, though the said order was passed by the Reader, the same has also been signed by the Assistant Collector, Grade-I, which clearly goes to show that the partition proceedings were not finalized in accordance with the process envisaged under law.

6. Learned counsel for the respondent further submits that there is no order which states that the proposed mode of partition as depicted in the order dated 02.12.1998 was ever finalized. Rather, the file was sent to the authorities concerned for completion of the partition proceedings which shows that the process envisaged under law for effecting the partition had not been adopted, which reason has rightly been noticed by the learned Single Judge in the impugned order to set aside the partition proceedings. Hence, learned counsel for respondents urges that the appeal filed by the appellant may kindly be dismissed.

7. We have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

8. There is no doubt qua the aspect that on 02.12.1998, a mode of partition was proposed by the Assistant Collector, Grade-I. Surprisingly, in the said order, no such stipulation is there which states that against the said order, objection can be filed by the interested parties. Further no next date was mentioned by which the objections were to be filed. Rather, a perusal of the zimni order shows that the said mode of partition was not decided by the Assistant Collector,

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Grade-I on 02.12.1998 and the same was treated to be final by the Reader of the Assistant Collector on 04.12.1992. These facts clearly go to show that order dated 02.12.1998, property for mode of partition, no opportunity has been given to the co-sharer of the land in question to file objections against the said mode or partition.

9. Not only this, even if it is assumed for the sake of arguments, that the order dated 02.12.1998 only depicted a provisional mode of partition for which objections by interested parties were allowed, nothing has come on record before this Court before this Court to show that the proposed mode of partition was ever finalized after 02.12.1998 by way of the zimni orders, which have also been placed on record. Learned counsel for the appellant has not been able to rebut the said fact.

10. Even otherwise, keeping in view the Punjab Land Revenue Act, 1887, under Section 117, the requirement is that the proposed mode of partition has to be finalized by an order, in case any party is not agreeable to the same, an appeal can be preferred, if required.

11. In the present case, learned Senior counsel appearing on behalf of the appellant has not been able to show to the Court any order by which, the proposed mode of partition as depicted in the order dated 02.12.1998 was finalized so as to give an opportunity to file an appeal to the dis-satisfied co-sharer. Hence, findings recorded by the learned Single Judge, that the process envisaged by law for effecting partition of land has not been followed as the mode of



partition which is backbone for effecting partition, was not finalized after giving due opportunity to all the concerned, is correct.

12. No other argument has been raised by learned counsel for the parties.

13. Keeping in view the above, as the appellant has not been able to prove that the impugned order passed by the learned Single Judge is perverse, either on fact or law, no ground is made out for interference by this Court.

14. As the partition proceedings are pending for the last 28 years, the revenue authorities are directed to finalize the same by adopting the method required under law within a period of three months from the next date of hearing before the Revenue Authority.

15. The parties are directed to appear before the Assistant Collector, Grade-I, Pathankot on 17.12.2025.

16. Pending applications, if any shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURJ)
JUDGE

December 03, 2025
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Whether speaking/reasoned	Yes
Whether Reportable	No