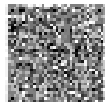


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

121

2025.PHHC:017761



**RSA-1647-2022 (O&M)
Date of decision: 06.02.2025**

GULZAR SINGH BEDI (DECEASED) THROUGH LR
..Appellant

Versus

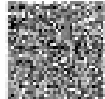
LT. COL. KHUSHWANT RAI BEDI (RT.) AND ORS.
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulbhushan Raheja, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. The appellant herein was defendant No.1 in a plaintiffs suit for possession by way of partition of the property. In fact, late Sh. Jiwan Singh Bedi, who died in the year 2001 was owner of the property. He left behind four sons and two daughters including appellant. In the year 2005, there was a family settlement with respect to residential house, however, the shops were kept joint with stipulation that the same shall be partitioned after getting the possession from the tenants/mortgagees. However, the owners failed to get the possession, hence, the suit was filed. Defendant No.2 and legal representatives of defendant No.3 admitted the plaintiffs case, whereas, remaining defendants contested the case. The trial Court dismissed the suit, however, the First Appellate Court passed a preliminary decree for partition declaring that the plaintiffs are owner to the extent of 1 and ½ (half) share in the suit property. In other words, each of the plaintiff is owner of 1/6th share.



2. Learned counsel for the appellant contends that the property is ancestral co-parcenary property and hence, the daughters of late Sh. Jiwan Singh Bedi would not have any share.

3. This Court has considered the submissions of learned counsel for the appellant.

4. It is evident that neither there is an issue on this aspect of the matter nor this aspect was ever pressed before the Courts. Moreover, learned counsel for the appellant has been called upon to draw the attention of the Court to any evidence to that effect, however, he stated that late Sh. Jiwan Singh Bedi was allotted the property in lieu of property left behind in the area, now in the part of Pakistan.

5. Merely on the basis of assertions, the property cannot be declared as ancestral co-parcenary.

6. Learned counsel for the appellant further submits that proper Court fee has not been affixed by the plaintiffs.

7. At the stage of second appeal, it is not appropriate to entertain this objection.

8. Hence, no ground to interfere is made out.

9. Dismissed accordingly.

10. All the pending miscellaneous applications, if any, are also disposed of.

February 06th, 2025

Ay

(ANIL KSHETARPAL)
JUDGE

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