



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2133-2024(O&M)
Date of Decision :07.07.2025

HARWINDER KAUR

.... APPELLANT

Vs.

JAGTAR SINGH AND OTHERS

.... RESPONDENTS

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Yagsimant Attri, Advocate, for the appellant.

DEEPAK GUPTA, J. (ORAL)

Defendant of the case is before this Court against concurrent findings of the Courts below.

2. Suit for possession by way of partition filed by the plaintiffs-Jagtar Singh and others (*respondents herein*) was decreed by the trial Court on 11.12.2018 and the appeal filed by the defendant of the suit *i.e. appellant herein* was dismissed by the First Appellate Court on 05.07.2024, thus affirming the order of the trial Court.

3. Assailing the concurrent findings, it is contended by learned counsel that suit property was partitioned long back and so plaintiffs-respondents herein do not have any concern therewith. Learned counsel also submits that appellant is ready to compensate the respondents with some other land of the equal area.

4. After hearing learned counsel, this Court does not find merit in the contention.

5. It is not disputed by learned counsel that suit property was joint of the plaintiffs and defendant, wherein plaintiffs had 1/2 share and defendant-appellant herein had the remaining 1/2 share. Said jointness of the suit property was evident from the revenue record. No cogent evidence could

be led by the defendant-appellant before the Courts below to reveal any prior partition as was claimed by her. Simply because she had raised the construction on the suit property, as was claimed by the appellant, could not be a reason to decline the relief of partition to the plaintiffs-respondents.

6. The contention of learned counsel for the appellant to the effect that appellant is ready to compensate the respondent with some other land with equal area also carries no weight. Plaintiffs-respondents herein being co-sharers in the suit property to the extent of 1/2 share, as concurrently held by both the Courts below, have been rightly held to be entitled to partition thereof to the extent of their share.

7. This Court does not find any reason to interfere in the concurrent findings of facts as recorded by the Courts below, which are found to be based upon proper appreciation of evidence available on record.

8. Holding the present appeal to be devoid of any merit, the same is hereby dismissed.

07.07.2025

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned	: Yes
Whether reportable	: No