



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-3200-2025 (O&M)

Decided on : 12.11.2025

SHYAM LAL AND OTHERS

. .Appellants

Versus

SAJJAN SINGH AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

PRESENT: Mr. Rajiv Sharma, Advocate and
Mr. Bikram Chaudhary, Advocate for the appellants.

Mr. Vikram Singh, Advocate and
Ms. Devika Kamboj, Advocate for the respondents.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 25.09.2025 passed by the learned Single Judge by which, civil writ petition No. 24038 of 2025 filed by the appellants challenging the impugned orders dated 11.10.2022 (Annexure P-4), 20.12.2022 (Annexure P-6), 31.01.2023 (Annexure P-7) and 14.03.2023 (Annexure P-8) has been dismissed and the partition proceedings of the land between the parties has been upheld.

2. Learned counsel for the appellants argues that the question raised before the learned single judge that the predecessors-in-interest of the appellants had expired long time ago and they have been impleaded as proforma respondents in the partition application of the land hence, the said partition proceedings is void, having been initiated agaisnt the dead persons, which fact has been ignored by the revenue authorities as well as learned single judge while upholding the partition proceedings and therefore, the said partition proceedings may kindly be set-aside so as to be conducted again.

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3. Learned counsel for the appellants further submits that the partition which has been done is in such a manner that the land which has been given to the respondent is on the main road whereas, the land which has been given to the appellant is far away from the main road and the only *katcha rasta* has been provided to enter the said land, hence, the said partition done is incorrect and causing prejudice to the appellants which fact has also been ignored by the learned Single Judge, while upholding the decision of the revenue authority.

4. Learned counsel for the respondents on the other hand submits that only one document (Annexure P-16) has been attached at page No.154 of the paper book on the basis of which the arguments have been raised by the appellants but there are two parcels of land which has been partitioned between the parties. In one of the parcel of land, the total land belonging to the appellants have been given on the main road, which fact has been withheld from the Court.

5. Learned counsel for the respondents further submits that the land which has been given to the appellants, which has been shown in blue colour in map (Annexure P-16) on page No. 154 has been given because the same was already in the possession of the appellants as their houses have been constructed on the said land and it is only keeping in view the mode of partition decided whereas, the possession should be disturbed to be minimum, the land in question has been given to the appellants which was in their possession as they were residing in the said portion of the land and their houses were constructed by them.

6. Learned counsel for the respondents further argues that the partition was made keeping in view the revenue records and in the revenue

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record no entry was made qua the dead person, further the notices were issued to such persons, which were refused by the legal heirs of the dead person, who were living in the same address and thereafter, the *mustri munadi* (*proclamation*) was got conducted as well as notices were pasted outside the houses and it was only when none appeared in pursuance of the said *munadi*, the partition proceedings were started hence, it cannot be said that the appellants did not have the knowledge of the partition proceedings.

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

8. It may be noticed that the revenue authorities upon receiving the application for partition of the land in question which was jointly owned by the appellants as well as the respondents, the partition proceedings were started. The partition proceedings were started keeping in view of the revenue record and all the persons as per the revenue record qua the land sought to be partitioned were made party and were sought to be served with notice.

9. Notices were issued to all the concerned parties and notices issued to the respondents were received back unserved with the report that the same were refused to be accepted by the legal heirs and thereafter factum of a party having died came to the notice but there was no change made in the revenue record got done by the legal representatives after the death of such owner, no come could be impleaded in the partition proceeding. It may be noticed that summons so issued were refused by the legal heirs of such dead person, which were for the knowledge of the proceedings to the appellants herein.

10. Further, after the refusal of the summons by the relatives/Legal

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Representatives (hereinafter referred to as LRs) of the dead person, '*munadi*' (proclamation) was conducted so as to make everyone aware about the partition proceedings, that are going on, which fact has gone un rebutted. Hence, it is clear that appellants were in the knowledge of the partition proceedings and they had notice of the same, keeping in view that the summons sought to be served were refused by them and substantial conduct of the *munadi*. The onus of non change of the revenue record is attributable to the appellants themselves. In case, owner of the land die, the legal heirs should have got the revenue record changed well within time but nothing has come on record as to why the said record was not changed for a sufficiently long time.

11. Further, the partition proceedings can only be initiated as per the revenue record and as per the revenue record, the affected parties were included while raising the claims, the Revenue authorities as well as Learned Single Judge has appreciated the said fact.

12. It transpires that the appellants despite having knowledge of the partition proceedings, did not associate themselves with the partition proceedings probably with the motive that in case, they are aggrieved with the partition proceedings at any given point of time they can avail remedy by raising a plea that the dead person were impleaded as party, while executing the partition proceedings.

13. In case, the Court has come to the conclusion that the dead persons were included in partition proceedings keeping in view the revenue record and the legal representatives of such dead persons who did not associate themselves in the partition proceedings despite knowledge with ulterior motive that the same could have been set-aside later. The present

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scenario, which has been emerged before this Court keeping in view the revenue record that the appellants were having knowledge of the partition proceedings, rather they deliberately chose not to associate themselves with the partition proceedings so as to take a plea for setting aside the same in case such partition does not go according to the satisfaction of the applicants.

14. Further, once, even after the service of the summons, the *Munadi* was conducted and all the efforts were made by the revenue authority to bring to the notice of all the concerned parties about the partition proceedings qua the particular piece of land in dispute, argument that such proceedings were not to the knowledge of the appellant cannot be accepted as the appellants are the resident of the same village. That being so, in the facts and circumstances of the present case, the appellants were having the knowledge of the partition proceedings but they chose to not to participate in the same for the reason best known to them.

15. At this stage, learned counsel for the appellant has relied upon the judgment passed by the learned single Judge in CWP No. 15505 of 2013 titled as M/s Capital Builders versus Financial Commissioner and others, decided on 22.07.2013 that the proclamation should be conducted as a last instance as substituted mode of service and should not be adopted at first instance to serve the parties as per section 22 of the Punjab Land Revenue Act, 1887.

It may be noticed that in the present case, the summons were issued to the parties which were refused by the appellants and thereafter notices were pasted on the outer door of the house of the person to whom it is addressed and thereafter, the proclamation was done to inform the affected

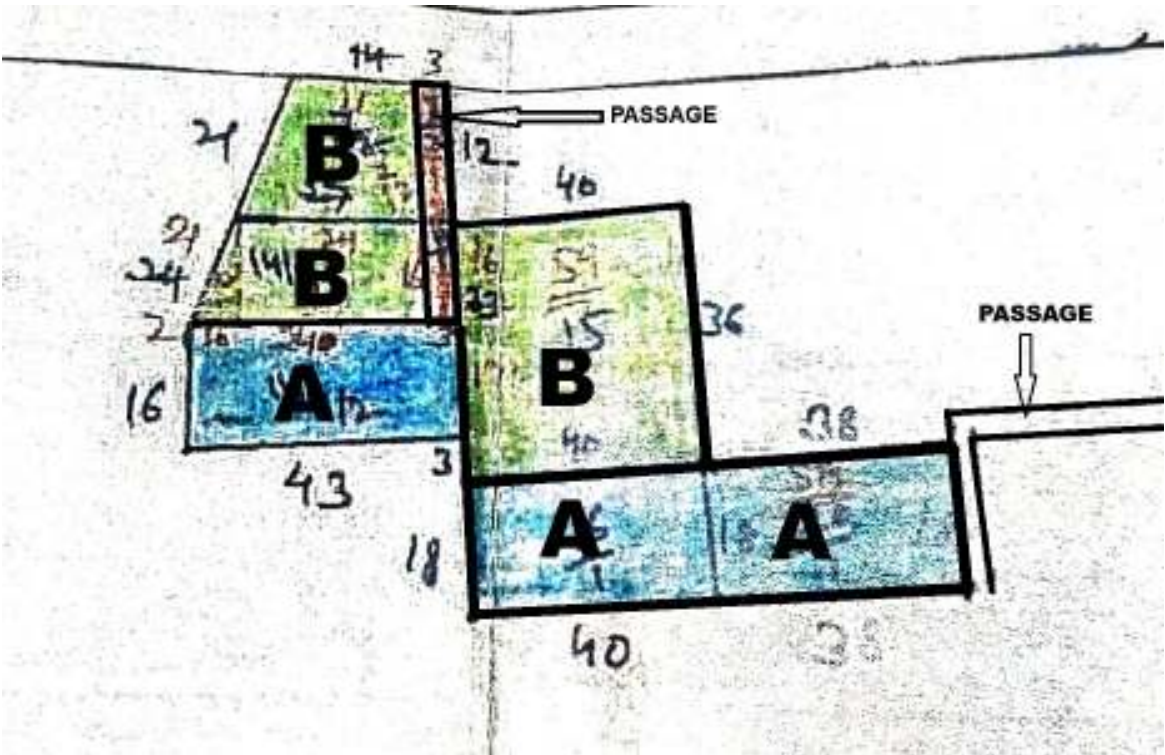


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parties about the partition proceedings, hence, the said judgement passed in Capital Builders’s case (supra) will not come to the rescue in the present case.

16. Further, this Court would have interferred in the said partition proceedings, in case there is a partition of land which is done between the parties is not equally based keeping in view the channelise situation of land which was sought to be partitioned.

17. It may be noticed that there are two chunks of land which are sought to be partitioned is as under:-



18. A bare perusal of the above picture would show that the land in area ‘A’ has been given to the appellants and the land in Area ‘B’ has been given to the respondents. The land ‘B’ though is situated on main road but in order to access the land ‘A’ *katcha rasta* has been provided of on 3

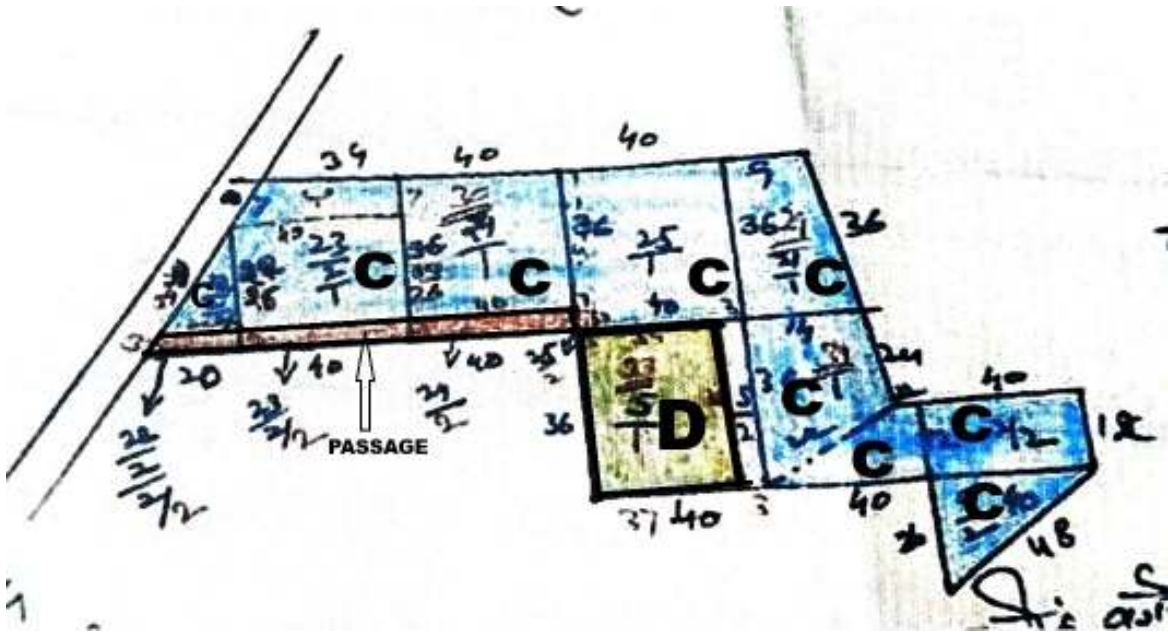


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karam from the main passage of land and *rasta* provided to the appellant has been given from *abadi* which fact has gone unrebutted even during the hearing. That being so, the land in dispute has been partitioned in a manner so required by revenue authorities, in best of wisdom considering the shape of land (refer Annexure-16). .

19. It may be further noticed that the land which has been given to the appellants, the houses have been constructed by them, a photograph of the said houses of the appellants was shown to the Court, which fact has also gone unrebutted hence, while partitioning the afore portion of land the existing possession of parties has also been taken into consideration and the possession of the appellants has been secured where their houses were constructed. No serious prejudice has been shown to be caused, by partition to the appellants.

20. Apart from above mentioned land, second portion of the land which has been partitioned is as under:-



21. The area ‘C’(blue colour) has been given to the appellant and the area

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‘D’ (green colour) has been given to the respondents. A bare perusal of the same would show that entire land which is situated on the highway of 14 *Karams* out of total 17 *Karams* has been given to the appellants and only the *katcha rasta* of 3 *karams* has been given to the respondents to access their land. That being so, the land which has been partitioned, both the parties have been given separate chunk of land on the highway so as to secure the interest of both the parties. Hence, once, the land has been partitioned in a manner so required, starting the said partition proceedings ‘again’, on the asking of the appellant will not be in the interest of justice keeping in view the facts and circumstances recorded herein above.

22. It may be noticed that the shareholding of the appellants is much more than the respondents keeping in view the fact that the land which was situated in two different parcels, the requirement measures have been taken while partitioning the said land. The grievance is being raised qua the land mentioned in area No. A & B (refer Para 17) wherein, the land which has been given to the appellants is already in the possession of the appellants and as per the mode of the partition which has been decided wherein it has been mentioned that if a party has house/ shop in his partition it should be given to the same party, which has been adhered to while partitioning the land in question but the appellants are contending that they are ready to demolish their houses so as to initiate the partition proceedings of the land in question again which cannot be done in the present case keeping in view the mode of partition which has already been decided.

23. Keeping in view the totality of facts and circumstances, no perversity has been shown to this Court with the impugned order that the same is contrary to the facts or the settled principle of law. Hence, no ground



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is made out for any interference by this Court in the facts and circumstances of the present case.

24. No other arguments raised.

24. Accordingly, the present appeal is dismissed.

25. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

12.11.2025

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

Whether Reportable: *~~Yes~~/No*