

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

128

CR-4243-2026 (O&M)

Date of decision:20.05.2026

KAMALJIT KAUR AND OTHERS

...PETITIONERS

VERSUS

SURINDER PAL SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Hitesh Kalra, Advocate and
Mr. Pritam Sharma, Advocate
for petitioners.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition has been preferred under Article 227 of the Constitution of India by petitioners-objectors being aggrieved by dismissal of their objections under Order XXI Rule 97 read with Section 47 of Code of Civil Procedure, 1908 ('CPC') by learned Additional Civil Judge (Senior Division), Jalandhar vide impugned order dated 15.04.2026.

2. Facts of present case are not in dispute. Plaintiff-decree holder had preferred a suit for partition of joint property owned by him and defendant-judgment debtor, measuring 03 kanals 18 marlas as described in the plaint. Respondent-decree holder had claimed half share in the said suit property.

3. The suit was contested by defendant-judgment debtor and on merits preliminary decree for partition was duly passed by learned Court of First Instance. Subsequent to passing of preliminary decree for partition, plaintiff-decree holder had applied for passing of final decree and final decree was also passed vide order dated 19.07.2025. Sh. Atinder Pal Singh, Chartered Accountant was appointed Local Commissioner for the purposes

of rendition of accounts i.e. income generated by use of suit property during the occupation by defendant-judgment debtor, who submitted his report on 18.03.2025. Field Kanungo was also asked to report, who submitted his report on 14.01.2001, suggesting that suit property be divided into two plots i.e. plot No.1 and plot No.2 giving equal front portion measuring 47 feets each out of 94 feets front and rear portion as 30 1/2 feets out of 61 feets on the backside. Accordingly, suit property was ordered to be partitioned in an equal share by raising a wall in the middle of suit property.

4. Plaintiff-decree holder was held entitled to plot No.2, which included constructed portion shown as shops No.1, 2 and 3, Ahata, four rooms and half portion of big room shown at the back South portion of suit property. Defendant-judgment debtor was held entitled to possession of plot No.1 which included constructed portion shown as shops No.1, 2, 3-4, two rooms, office and three bathrooms along with half portion of big room shown at the back South portion of the suit property.

5. After considering report of Chartered Accountant as well as Field Kanungo, it was found that total rent of Rs.1,23,58,628/- was generated by defendant-judgment debtor and accordingly, plaintiff-decree holder was found entitled to half share in the said amount. Similarly, plot No.1, as bifurcated by Field Kanungo, had fallen to the share of respondent-decree holder.

6. Now the main ground raised by petitioners-objectors is that shop No.3, which falls in plot No.2, which has fallen to the share of plaintiff-decree holder, is occupied by defendant-judgment debtor for the last 40 years, who is running his business therein, therefore, defendant-judgment

debtor be not evicted and that particular shop be given to him in partition.

7. Learned Executing Court had duly considered the above plea raised by defendant-judgment debtor by way of objections and had dismissed the same vide impugned order dated 15.04.2026.

8. On consideration, I do not find any merit in present revision petition. Admittedly, Field Kanugo has divided the suit property in a very equitable manner by giving equal share on the front as well as back of the suit property. Site map (Annexure P-6), in fact, goes to depict that equal number of shops as well as property have fallen to share of defendant-judgment debtor and plaintiff-decree holder. It is mere shifting of shop from one site to another site and if the defendant-judgment debtor is allowed share of shop, which has fallen to plaintiff-decree holder, it would disturb the partition, which has been finalized by final decree and therefore objections preferred by petitioners have been rightly rejected.

9. In view of above discussion, present petition is found to be an effort on the part of petitioners only to delay the delivery of possession and is therefore dismissed.

10. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

20.05.2026
Sunil Chander

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