



CR-4022-2025 (O&M)

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

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CR-4022-2025 (O&M)

DATE OF DECISION: 17.02.2026

JAWALA SINGH (SINCE DECEASED) THROUGH HIS LRS

....PETITIONERS

VERSUS

AZADWINDER SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sukhwinder Singh Kainth, Advocate for the petitioner.

YASHVIR SINGH RATHOR, J. (ORAL)

1. This revision petition is directed against the order dated 02.03.2023 (Annexure P-12) passed by the Executing Court vide which objections raised against the report of the Local Commissioner suggesting mode of partition moved by decree-holder have been allowed and the appeal filed by JD-petitioner vide order dated 11.04.2025 (Annexure P-15) by the Court of District Judge, Fatehgarh Sahib, has been dismissed being not maintainable.

2. I have heard the learned counsel for the petitioner/revisionist and have gone through the material on record.

3. A suit for partition of the joint holding measuring 8 biswas was instituted by the plaintiff/decreed-holder, namely, Azadwinder Singh and a preliminary decree for partition was passed vide decree dated 07.10.2014. After filing of the execution petition, the parties were given an opportunity to file mode of partition but none of them availed the opportunity. Thereafter, Kanungo was appointed as Local Commissioner



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vide order dated 25.07.2022, who after issuing notice to the parties submitted mode of partition. However, DH as well as legal heirs of respondent No.11 filed objections against the said mode of partition. The objections by decree-holder were filed on the ground that no passage has been given to him for the share proposed to be given to him and no front portion too has been given to him. The portion proposed to be given to him is on the rear side which cannot be utilized. The share of the decree-holder was 1/30th share in the total property measuring 8 biswas and there were 24 co-sharers in all including JDs. Learned Executing Court observed that 8 biswas of property cannot be partitioned amongst 24 co-sharers and the decree can be satisfied only if one or more than one co-sharer compensate the decree-holder by paying him the actual value of the share of decree-holder or by putting the entire property on sale. The Executing Court accepted the objections on the ground that no passage has been given to the decree-holder for using the share of property proposed to be given to him. There is thus no manifest error, illegality or irregularity committed by the learned Executing Court while accepting the objections. No interference in the impugned order is thus called for.

4. Accordingly, the present revision petition stands dismissed.

5. Pending misc application (s), if any, shall also stand disposed of.

17.02.2026

Vishal Vardhan

(YASHVIR SINGH RATHOR)

JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No