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

**(237) LPA-2324-2016 (O&M)
Date of Decision : January 29, 2026**

Bakshish Singh Jhauj (deceased) through LR s .. Appellant s

Versus

Financial Commissioner (Appeals) Punjab and others .. Respondents

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

Present: Mr. Ashwani Kumar Chopra, Senior Advocate,
(joined through VC) with
Mr. Vidul Kapoor, Advocate, for the appellant.

Mr. Rahul Rampal, Addl. A.G., Punjab.

Mr. G.S. Bajwa, Advocate, for respondent No.5.
(joined through VC)

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present Letters Patent Appeal, the challenge is to the order dated 17.10.2016 passed by the learned Single Judge in CWP No.21498 of 2016 by which, the writ petition filed by the petitioner Bakshish Singh Jhauj (appellant herein) has been dismissed.

2. The only issue raised, which is causing prejudice to the appellant is that land belonging to him has been bifurcated into two parts so as to provide a *Rasta* (pathway) to the respondent No.5 when the land between the co-sharers was partitioned.

3. Learned Senior Counsel appearing on behalf of the appellant submits that even as per the mode of partition, the *Rasta* could be provided to the parties but the same should have been provided in such a way that prejudice is not caused to party from whose land the *Rasta* is to be provided

whereas, in the present case, while partitioning the land to be divided amongst

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co-sharers, the *Rasta* has been provided in such a manner that the land of the appellant has been bifurcated into two pieces, which is causing prejudice.

4. Learned Senior Counsel for the appellant further submits that the bifurcation of land belonging to the appellant could have been avoided by the authorities concerned so as to provide the *Rasta* at the end of the land of the appellant.

5. Learned counsel for respondent No.5 submits that the *Rasta* was provided keeping in view the feasibility of the same and therefore, the partition proceeding can not be challenged merely on the ground that the land of the appellant has been bifurcated into two pieces.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. On the last date of hearing, learned Senior Counsel for the appellant was requested to seek instructions whether, the appellant is ready to provide a part of his land at the end for the *Rasta* so that the land of the appellant is not bifurcated and the *Rasta* so provided should be such that a tractor along with the trolley is able to turn so as to reach the land of the respondent No.5.

8. Learned Senior Counsel for the appellant submits that the *Rasta* which is to be provided to respondent No.5 can be provided from the end of the land belonging to appellant.

9. Once, only *Rasta* needs to be provided to respondent No.5 to reach his land, the same has to be done in a manner that it does not cause prejudice to the other side. As of now, the *Rasta* so provided is bifurcating the land of the appellant half and half, which is rightly causing prejudice to him.



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10. Learned Senior Counsel for the appellant has agreed that *Rasta* can be provided at the end of the land so that his land is not bifurcated.

11. The said offer is very genuine and needs to be implemented as nothing has been shown by respondent No.5 as to how the same will cause prejudice. The only concern shown by respondent No.5 is that the *Rasta* should be adequate so that the tractor/trolley is able to turn and the same can reach the land partitioned in his favour. As of now, as per the parties concerned, the *Rasta* of 2 karams have been provided. In order to redress the apprehension that within 2 karams, the tractor/trolley will not be able to turn when given *Rasta* at the end of the land of the appellant, it is directed that at the turn where the *Rasta* is provided instead of 2 karams, the said *Rasta* will be provided measuring 3 karams starting from the turn for a distance of 15 meters so that no inconvenience is caused to respondent No.5 in case he has to take his tractor/trolley to the fields or anyone, who is using the field of respondent No.5. Beyond 15 meters, the *Rasta* will again remain for 2 karams till the same reaches the field of respondent No.5.

12. Apart from the said modification, the partition between the parties will remain intact.

13. The present appeal is disposed of in above terms.

14. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 29, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No