

learned Single Judge vide order dated 23.07.2021 leading to the filing of the present appeal.

2. Learned counsel for the appellant submits that the appellant was proceeded against *ex parte* without having any knowledge of the partition proceedings; hence, the judgment passed by the learned Single Judge dated 23.07.2021 on the ground that the challenge to the partition was raised at a later stage was passed without appreciating the correct facts. Consequently, it is prayed that the order passed by the learned Single Judge as well as the order passed by the Revenue Authorities partitioning the land between the appellant and the respondents be set aside.

3. Learned counsel for the appellant further submits that the proceedings with respect to the execution of Sanad Taksim only took place in the year 2008.

4. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. In the present case, a finding has been recorded by the learned Single Judge vide order dated 23.07.2021, that after the Sanad Taksim was prepared on 27.08.2008, mutation was also entered and the parties were put in possession in the year 2011.

7. Learned counsel appearing on behalf of the appellant is not able to rebut the findings recorded by the learned Single Judge that the parties have already been put in possession in the year 2011 and that mutation was also entered on the basis of a document on record even as of now.

8. Once, a finding of fact has been recorded by the learned Single Judge, which has gone unrebutted, the mere oral assertion of the appellant

that the two parties were put in possession much later on, cannot be accepted.

9. Even otherwise, once the partition proceedings were concluded in the year 2008 and thereafter suit was filed by the respondents seeking injunction against by the co-sharers hence, despite having knowledge of the partition proceedings, if the partition proceedings have not been challenged within a reasonable time by the appellant, especially when mutation has also been effected and possession has also been taken, a subsequent challenge cannot be treated as a valid objection to the partition proceedings.

10. Further, before the Revenue Authorities, an order was passed that the appellant was proceeded against ex parte, which order was never challenged, and in the absence of any challenge to the ex parte order, the Sanad Taksim so prepared cannot be altered at the instance of the appellant, who was not vigilant about his rights in the partition proceedings.

11. No further arguments is raised.

12. No ground is made out for any interference by this Court in the facts and circumstances of the present case. Accordingly, the writ petition is dismissed.

13. Pending miscellaneous applications, if any, shall stand disposed of.

of.

(HARSIMRAN SINGH SETHI)
JUDGE

28-01-2026
Sapna Goyal

(VIKAS SURI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO