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

RSA-407-2025 (O&M)**Reserved on : 20.02.2026****Date of Decision : 25.02.2026****Judgment Uploaded on : 25.02.2026**

Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced : Full

Kartar Singh

... Appellant(s)

VERSUS

Vidhya Nand

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Pratibha Yadav, Advocate for the appellant.

ALKA SARIN, J.**CM-1277-C-2025**

1. For the reasons mentioned therein, the application seeking condonation of delay of 72 days in refiling the appeal is allowed and the delay of 72 days in refiling the appeal is condoned.

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2. The present appeal has been filed by the plaintiff-appellant aggrieved by the judgment and decree dated 13.03.2018 passed by the Trial Court and the judgment and decree dated 04.07.2024 passed by the First Appellate Court.

3. Brief facts relevant to the present *lis* are that the plaintiff-appellant filed the present suit challenging the partition proceedings on the ground that at the time of filing of the partition proceedings, the plaintiff-

appellant was a minor and his date of birth is 16.11.1978. It was further the case set up that the partition proceedings were not in accordance with law. It was further averred that the plaintiff-appellant had filed an application for setting aside the order dated 09.05.2012 on 06.06.2013 before the Revenue Court, however, the same was dismissed on 20.09.2013. Hence, the suit.

4. Upon notice, defendant No.15 (respondent No.21 herein) appeared and filed his written statement wherein he submitted that the disputed land was no longer joint, rather the same was partitioned vide order of the Assistant Collector 1st Grade, Rewari and the appeal/revision filed against the said order had been dismissed by the Collector, Rewari and Commissioner, Gurgaon Division. Thereafter, the possession had also been handed over and the entry in *rapat rojnamcha* had been recorded. It was further the stand taken that the partition proceedings continued for a very long time i.e. from 01.08.1996 to 09.05.2012. Thereafter, the appeal before the Collector, Rewari and the revision before the Commissioner, Gurgaon Circle were also filed, hence, the plaintiff-appellant had no right to challenge the partition proceedings. It was further the stand taken that at the time of filing of the appeal before the Collector, Rewari and the revision before the Commissioner, Gurgaon Circle, the plaintiff-appellant was a major. Defendant-respondent No.2 also filed his separate written statement taking the stand that the possession had already been handed over to the respective parties and the plaintiff-appellant never preferred an appeal. It was further the stand taken that all rules were properly followed. Written statement of defendant-respondent No.2 was adopted by defendant-respondent Nos.1, 3, 4 and 5, whereas the remaining defendant-respondents were proceeded against *ex parte*.

5. Replication was not filed. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether plaintiff is entitled to decree for declaration as prayed for ? OPP
2. Whether plaintiff is entitled to decree for permanent injunction as prayed for ? OPP
3. Whether plaintiff is entitled to alternative relief of decree for declaration as prayed for ? OPP
4. Whether the suit of plaintiff is not maintainable in the present form ? OPD
5. Whether the plaintiff is estopped from filing the present suit by his own act and conduct ? OPD
6. Whether the plaintiff has no cause of action and locus standi to file the present suit ? OPD
7. Whether the plaintiff has concealed material facts from the Court ? OPD
8. Whether the suit of plaintiff is time barred ? OPD
- 8A. Whether civil Court has not jurisdiction to try the present suit ? OPD
9. Relief.

6. The Trial Court dismissed the suit vide judgment and decree dated 13.03.2018. Aggrieved by the same an appeal was preferred by the plaintiff-appellant which appeal was also dismissed vide judgment and decree dated 04.07.2024. Hence, the present regular second appeal.

7. Learned counsel for the plaintiff-appellant would contend that both the Courts have erred in dismissing the suit. It is urged that the

plaintiff-appellant was a minor at the time of filing of the partition proceedings and, hence, the partition proceedings itself are bad in law.

8. I have heard the learned counsel for the plaintiff-appellant.

9. In the present case the only argument raised by the learned counsel for the plaintiff-appellant is that the partition proceedings were filed when the plaintiff-appellant was a minor. The date of birth of the plaintiff-appellant, as per the evidence produced on record, is 16.11.1978. On the date the partition proceedings were initiated, the plaintiff-appellant was 17 years and 9½ months and he attained majority on 16.11.1996. His brother, namely, Narinder Singh, was also a party to the said partition proceedings. The plaintiff-appellant never filed any application at that point of time. Further still, it has been noticed by both the Courts that the first order in the partition proceedings was passed on 07.04.1998 (Ex.DX/11) and by that time the plaintiff-appellant had attained majority. The order passed in the partition proceedings was challenged before the Collector, Rewari in an appeal which was dismissed vide order dated 31.07.2007 (Ex.DX). The plaintiff-appellant was impleaded as a party there also and *munadi* was affected for service in the village and, hence, it cannot be said that the plaintiff-appellant did not have any knowledge. Even in the revision before the Commissioner, Gurgaon, the plaintiff-appellant was impleaded as a party. Both the Courts concurrently found that there was no pleading on the part of the plaintiff-appellant that he had not been granted his entire share in the property or the land of inferior quality had been given to him or that no *rasta* was granted to him.

10. The argument of the learned counsel for the plaintiff-appellant that the plaintiff-appellant was a minor at the time of filing of the partition

proceedings and, hence, the partition proceedings itself ought to have been set aside, cannot be accepted. As noticed above, the plaintiff-appellant attained majority on 16.11.1996. The partition proceedings were finally decided in the year 2012. Thereafter, the appeal and the revision were filed and in both the proceedings the plaintiff-appellant was a party.

11. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.02.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO