



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CR-7159-2025

Date of Decision:13.10.2025

Maninder Pal Singh

.....Petitioner

Vs.

Nirmal Kaur and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Arzoo Modi, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

In compliance of the order dated 08.10.2025, learned counsel for the petitioner has placed on record copy of the judgment dated 03.10.2025, whereby the first Appellate Court of learned Additional Sessions Judge, Jalandhar has dismissed the appeal filed by the petitioner, who was defendant No.1 before the trial Court.

2. It is only the plaintiff Nirmal Kaur (*respondent No.1 herein*) who had sought separate possession by way of partition of her share in the suit property detailed in headnote of the plaint. Preliminary decree dated 13.05.2014 was passed, specifying the share of the plaintiff in the suit property as well as that of the others. Thereafter the final decree was passed on 12.10.2022. The first Appellate Court has maintained the decree of the trial Court by way of the judgment dated 03.10.2025.

3. Before passing of the final decree, execution was filed, in which the Local Commissioner was appointed, who suggested the mode of partition and specified the shares of the plaintiff/decree-holder as well as some of the judgment-debtors.

4. The objections as filed by the petitioner herein have been dismissed by the Executing Court by way of impugned order dated 09.09.2025 (Annexure P-10).

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5. The contention of learned counsel for the petitioner is that in the suggested mode of partition, the shares of other co-sharers have not been specified. Learned counsel for the petitioner submits that in these circumstances the decree is not executable. Learned counsel for the petitioner refers to ***“Shankar Balwant Lokhande (dead) by LRs versus Chandrakant Shankar Lokhande” (1995) 3 SCC 413.***

6. It is conceded by learned counsel for the petitioner that as far as the plaintiff-respondent No.1 is concerned, her share was only to be partitioned as per the relief sought by her. It is also not disputed by the petitioner that his share has been duly specified in the partition. In the aforesaid circumstances when other co-sharers, who have allegedly not been given any share in the partition, as is contended by learned counsel for the petitioner, have not put in any grievance before any Court, the petitioner is nobody to approach this Court or to raise any objections.

7. This Court does not find any merit in the instant petition and so, the same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

October 13, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No