



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

244

CR-7101-2019

Date of Decision: 17.03.2025

HARDIAL SINGH

..... PETIOTINER

VERSUS

HARDEV SINGH AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ashok Kumar Khubbar, Advocate
for the petitioner.

Mr. Kuljinder Singh Billing, Advocate and
Mr. Saurav Bhatia, Advocate
for respondent Nos. 6 to 9 and 11 to 13.

PANKAJ JAIN, J. (ORAL)

Present revision petition is directed against the impugned order dated 04.07.2019 (Annexure P-7) passed by the learned Executing Court, whereby the objections filed by the plaintiff-decree holder to the report filed by the Local Commissioner stands rejected.

2. Plaintiff filed a suit seeking decree of partition. The joint estate comprising of two khasra numbers i.e. Khasra No. 46//15 (7-4), Khata No. 11/13, as per the jamabandi for the year 1999-2000 situated in the abadi of village Katwara, Tehsil Balachaur, District Nawnanshar and Khasra No. 30//22/2 (6-3) as per jamabandi for the year 2004-2005 situated within the revenue estate of village Katwara, Tehsil Balachaur.

3. The suit filed by the plaintiff was decreed. Preliminary decree was drawn. As per the same, share of the parties were determined as under :



“Plaintiff and defendants no. 1 to 5 will have share to the extent of 6 Kanals 3 Marlas, defendants no. 6 to 9 will have share to the extent of 4 Kanals 16 Marlas and defendants no. 10 to 13 will have share to the extent of 2 Kanals 8 Marlas out off suit property. So, preliminary decree is accordingly passed in favour of plaintiff leaving the parties to bear their own costs.”

4. Local Commissioner was appointed, who submitted his report. Plaintiff filed objections against the proposed mode of partition. The said objections have been dismissed vide impugned order dated 04.07.2019 (Annexure P-7).

5. Mr. Ashok Kumar Khubbar, Advocate while assailing the impugned order submits that the two parcels of land are different in value and the same is evident from the fact that one parcel is situated within the *abadi*, whereas the other is an agricultural land. The same are different in value and, thus, all the parties ought to have been granted shares in both the parcels, whereas the Local Commissioner in his report has held JDs No. 1 to 5 to be in exclusive possession of property situated in *abadi*.

6. I have heard learned counsel for the parties and have carefully gone through the records of the case.

7. The objections filed by the decree-holder, reveal that apart from raising allegations against the Local Commissioner of having demanded illegal gratification of an amount Rs. 1,00,000/-, there is no objection raised with respect to grant of shares and distribution of estate amongst the parties to the *lis*.

8. In view thereof, this Court finds that the learned Executing



Court has rightly dismissed the objections holding that apart from bald allegations against the Local Commissioner, that too levelled after one month of furnishing of report, there was neither any objection nor any evidence to raise some cogent objection to the report.

9. However, having said that this Court is of the considered opinion that merely for the reason that no objection has been raised to the report of the Local Commissioner, the Court shall only consider the report of the Local Commissioner and not place sole reliance thereupon.

10. Disposed of.

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

17.03.2025
Satyawar

(PANKAJ JAIN)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No