

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

122

2025:PHHC:012560



RSA-1229-2023

Date of decision: 28.01.2025

AJAIB SINGH

..Appellant

Versus

JAGTAR SINGH AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Agnihotri, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. While assailing the correctness of concurrent findings of fact arrived at by the Courts below while decreeing plaintiffs suit for separate possession by way of partition of property comprised in Khasra No.329, the defendant has filed the present appeal. Plaintiffs and defendant are heirs of Sh. Prabhu. The plaintiffs are grand-son of Sh. Prabhu, whereas, defendant is son of Sh. Prabhu. The plaintiffs claim that the suit properties comprised in Khasra No.158 and 329 are joint. The defendant claims that he is the absolute owner of the property. The trial Court decreed the plaintiffs suit qua property comprised in Khasra No.329. However, suit qua property comprised in Khasra No.158 was dismissed on the ground that all the co-sharers have not been impleaded as party. The appeal filed by the defendant was dismissed.

2. Learned counsel representing the appellant submits that only property measuring 5 marlas is involved and there are chances of amicable settlement. However, on a Court question, he failed to draw the attention of the Court to any error in the judgments passed by the Courts below. In regular second appeal, notice cannot be issued only to explore the possibility



of settlement because it involves expenses for the other party. If the appellant wishes to settle the matter, he can contact the plaintiffs.

3. Since, learned counsel for the appellant has failed to draw the attention of the Court to any error in the judgment, hence, the appeal is dismissed.

January 28th, 2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*