



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

**ESA No.62 of 2014 (O&M)**

**Date of Order:02.05.2025**

**Sukhdev Singh and others**

**.Appellants**

**Versus**

**Gurdip Singh and another**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

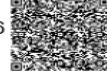
**Present: Mr. Angel Walia, Advocate  
for the appellants.**

**ANIL KSHETARPAL, JUDGE (Oral)**

1. The appellants assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing their objection petition filed under Order 21 Rule 97, 99 and 100 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC').

2. Dalbir singh, Kashmir Singh, Gurmukh Singh and Heera Singh sons of Gopal Singh were co-owners of the property. In a family partition, Kashmir Singh became the owner of 11 kanals and 4 marlas land comprised in Rect No.24, Khasra No.11(7-4), 20(3-0). Kashmir Singh, on 14.06.2005, agreed to sell the land comprised in Rect. No.24, Khasra No.11(7-4) in favour of Gurdip Singh, who subsequently, on 25.01.2006, filed the ssuit for possession by way of specific performance of the agreement to sell, which was decreed on 16.07.2007.

3. The appellants claim to have purchased the property from Dalbir Singh, Gurmukh Singh and Hira Singh, on 29.05.2008. They filed the objection petition claiming that the entire property was joint, hence, the



possession of the land comprised in Rect No.24, Khasra No.11(7-4), could not be delivered.

4. Both the courts came to the conclusion that there was a family partition of the property and the aforesaid khasra number came to the exclusive share of Kashmir Singh, who subsequently sold the same.

5. The learned counsel representing the appellants submits that the appellants are co-sharers in the land comprised in Rect. No.24, Khasra No.11, hence, decreer holder-Gurdip Singh is not entitled to take possession.

6. This court has considered the submissions of the learned counsel representing the appellants.

7. The concept of co-sharer does not relate to a particular khasra number. It is with relation to a khewat number which means the total khata. Both the courts have found that during the family partition the suit property came to the share of Kashmir Singh. The aforesaid finding is not shown to be erroneous.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**May 02, 2025**

**nt**

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