



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1943 of 2022 (O&M)

Date of Order:09.04.2025

Ranjit Singh

.Appellant

Versus

Sakinderjit Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Rana, Advocate
for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

1. Defendant no.1 assails the correctness of the First Appellate Court's judgment which in turn has modified the judgment of the trial court.
2. The total joint property of the parties is comprised in khasra no.230 measuring 2 kanals and 2 marlas. The suit for partition was filed by the plaintiff which was partly decreed by the trial court to the extent of 14 marlas. However, the court held that remaining part of the property is a vacant land and therefore for partition of the same, the parties have to go to the revenue authorities. The First Appellate Court has found that the entire property is 'Gair Mumkin' i.e. non-agricultural land, hence partition is required to be carried out by the civil court. Consequently, the preliminary decree for partition has passed.
3. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book.
4. The learned counsel representing the appellant submits that the



First Appellate Court has erred in interfering in the judgment of the trial court.

5. This court has considered the submission, however, found no merit. It has come on record that in major part of the property, the houses have already been constructed, remaining is vacant. However, there is no evidence to the effect that the property is actually being used for agricultural purpose. Moreover, if there is construction on some part of the joint property, the civil court has the jurisdiction to partition the entire property.

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

7. Dismissed.

8. This appeal was filed along with an application for condoning the delay of 802 days. Since, the appeal has been dismissed, hence, no further order is required to be passed.

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

(ANIL KSHETARPAL)
JUDGE

April 09, 2025
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**