



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

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LPA-1435-2024(O&M)

Date of Decision: August 18, 2025

Hariram @ Hariya

.....Appellant (s)

Vs.

Commissioner, Hisar Division, Hisar and others

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate for the appellant(s).

ASHWANI KUMAR MISHRA J. (ORAL)

This appeal arises out of the judgment dated 01.03.2024 passed by learned Single Judge, in CWP No.4861-2024, whereby the challenge laid by the appellant to the partition orders in appropriate proceedings, has been rejected.

2. Learned Single Judge has taken note of the fact that the parties had already entered into a settlement, pursuant to which both sides were in possession of their respective shares. It is with these observations that the authorities have concurrently held the partition to have been effected between the parties. Observation made by learned Single Judge on this aspect is reproduced hereunder:-

“ On hearing learned counsel for the petitioner and perusing the record, it is apparent that the partition proceedings were initiated at the behest of respondent No.4



whereby an application for partition of the land was filed. After hearing the objections filed, the mode of partition was approved on 09.09.2019. It has been found on perusal of the revenue record that the family partition of entire land of the Khewat was carried out a long time ago and written version of the same was also presented on the file. Type of the land was found to be same throughout. Thus, the appeal filed by the petitioner was dismissed by the Collector on 23.04.2021. The petitioner assailed the same by way of filing the revision petition before the Commissioner. The parties were heard again and the evidence on record was re-appreciated. It was established that the compromise for mutual partition was made on 11.06.1999 and 02.12.2002. Both the parties were in possession of their respective share as per the compromise arrived. No difference in the nature of the land was found, thus value of the land in possession of both the sides was also not found at variance. Rather, it was found that the petitioner had dug upto 3 feet of soil from the land under his possession and thus the possession of the land could also not be controverted by the petitioner. Keeping in view the overall facts and circumstances, the Revenue Authorities have finalized the partition proceedings.

Thus, no material illegality is found to have been committed in effecting the partition proceedings. Resultantly, this Court does not find any infirmity in the impugned orders passed, hence, the present petition being devoid of any merit is hereby dismissed.”

3. Though the judgment of the learned Single Judge is assailed on various grounds but we do not find any merit in the contentions so advanced in as much as the findings returned by the learned Single Judge that both sides were in possession over their respective shares as per the compromise, has not



been shown to be perverse or illegal for any reason. Merely stating that the side of the land which abuts the main road has gone to the other side, cannot be examined by us, when such a plea has consistently never been taken before any of the authorities. Even before this Court, there is nothing on record to show that any prejudice is caused on this ground. The finding returned by learned Single Judge that the appellant is in possession of his share of land and has also dug upto 3 feet of soil from the land under his possession otherwise is a reason sufficient enough to discard the claim of the appellant

4. Accordingly, the appeal stands dismissed.
5. Pending application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

August 18, 2025
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No