

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

112

2025:PHHC:023918



**RSA-5050-2018 (O&M)
Date of decision: 19.02.2025**

RAJBIR & OTHER

..Appellants

Versus

MAHENDER & OTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S. Tewatia, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

1. The plaintiffs assail the correctness of concurrent findings of fact arrived at by the Court below while dismissing their suit for grant of decree for declaration that the plaintiffs are owners in possession of 1 kanal and 1 marla land, which is wrongly recorded in defendants name in the revenue record. In substance, the plaintiffs and defendants are heirs of a common ancestor, Late Sh. Loharey. The plaintiffs claim that State Government acquired 2 kanal and 3 marla land out of joint holding and there was oral partition between the parties. The defendants proceeded against ex parte. Both the Courts have found that the plaintiffs have failed to prove that in the oral partition, the suit land i.e. 1 kanal and 1 marla fell to their share.

2. Learned counsel for the appellants submits that the plaintiffs have only been given 57 kanal and 12 marla land, whereas, their share comes to be more than 59 kanal and 2 marlas.

3. This Court has considered the submissions of learned counsel for the appellants.

4. It may be noted that the property was partitioned between the parties long time ago. It was the defendants who are recorded owners of the



suit property. The plaintiffs have failed to prove that the suit property fell to their share in the aforesaid partition of the joint property. The terms of oral partition have not been proved.

5. Hence, no ground to interfere is made out.
6. Dismissed accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

February 19th, 2025

By

**(ANIL KSHETARPAL)
JUDGE**

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