
(1999) 05 P&H CK 0009
In the Punjab And Haryana At Chandigarh
Case No : ROR No. 324 of 1991-92

Mohan Singh

APPELLANT

Vs

Jarnail Singh

RESPONDENT

Date of Decision : 31-05-1999

Acts Referred:

Citation : (2000) 1 LJR 13 : (1999) 1 PLJ 529 : (1999) 3 RCR(Civil) 726

Hon'ble Judges : K.S.Janjua, FC.

Advocate : Mr. Arun Palli, Advocate., Advocates for appearing Parties

Judgement

K.S. Janjua, FC.

1. This is a revision petition against the orders of Commissioner Jalandhar Division in a partition case. The claimants have joint ownership in three villages Simbal Majari, Jadli and Karawar. ACI had ordered the joint disposal of application for partition in three villages. The Collector had accepted the appeal against this order saying that the land in three villages cannot be partitioned through one order. The Commissioner had agreed with the Collector.

2. It was argued before me by the counsel for the petitioners that they had an agreement dated 20.3.1983 vide which they have made some adjustment and this family partition should be given effect to by clubbing all the cases together.

3. I am not inclined to agree with this view. The land to be partitioned is in three villages. The parties are different and they have different shares. ACI has no authority to club these partition cases without the consent of the parties. The family partition which has not been given effect to for more than five years in revenue record, cannot form the basis of partition. Old partition agreements which do not find their way into revenue record have to be discounted. The lapse on the part of ACI has made the parties litigate for 11 years without any purpose. He should have known the settled law on the subject of partition. Land in partition case of different estates can be clubbed together only with the consent of the parties. In the absence of this consent, orders of ACI cannot be

sustainable.

The petition is dismissed.

Announced.