

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.6707 of 2026****Decided on: 06.05.2026**-----
Ram Raj**.....Petitioner****Versus**

Ishwar Dass S/o Sh Narainu Ram (Since deceased through his LRs) & Anr.

.....Respondents
-----**Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**

For the Petitioner: Mr. Vivek Negi, Advocate.

For the Respondents: Nemo.
-----**Jyotsna Rewal Dua, Judge**

Petitioner feels aggrieved against the order dated 23.09.2025, passed by the Financial Commissioner (Appeals) Himachal Pradesh, dismissing his Revision Petition and thereby, affirming the order dated 12.07.2018 passed by the Assistant Collector Second Grade, Ramshehar, District Solan in partition case as also order dated 07.02.2020 passed by the Collector Sub Division Nalagarh, District Solan.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



2. Heard learned counsel for the petitioner and considered the case file.

3. From the case file, it emerges that: -

3(i) Respondents moved an application on 01.02.2006 before the Assistant Collector Second Grade, Ramshehar, District Solan for partition of land held by the parties jointly. The Assistant Collector First Grade prepared the mode of partition on 19.03.2007 and sent the papers to the Field Kanungo for effecting partition on the spot.

3(ii) Petitioner assailed the mode of partition dated 19.03.2007 by filing an appeal before the Collector, Sub Division Nalagarh. Petitioner, inter alia, claimed adverse possession to the extent of $\frac{1}{2}$ share in the land, claiming that he was in exclusive possession over the land in question w.e.f. May 1990. Petitioner also pleaded that he had filed a Civil Suit before learned Civil Judge (Sr. Division) Nalagarh. He also took up the plea that the land in question had been transferred in his favour under a sale deed qua which Mutation No. 132 was attested on 22.09.2005. Petitioner asserted that Civil Suit instituted by him regarding title and possession of the land was pending, therefore, property in question could not be partitioned till



the decision of the Civil Suit. Petitioner alleged that the Revenue Court had exceeded the jurisdiction vested in it by ordering partition of the land.

The Collector, Sub Division Nalagarh dismissed petitioner's appeal on 05.05.2008. Petitioner filed a Revision Petition before the Divisional Commissioner, Shimla Division. Revision Petition was also dismissed on 22.03.2012. Petitioner carried the matter further and filed another Revision Petition before the Financial Commissioner (Appeals) H.P. Petitioner's second Revision Petition was also dismissed by the Financial Commissioner (Appeals), H.P. on 09.07.2013. The Civil Suit instituted by the petitioner was dismissed on 31.12.2014.

3(iii) Mode of partition prepared on 19.03.2007 thus attained finality after dismissal of the petitioner's second Revision Petition by the Financial Commissioner (Appeals) H.P. on 09.07.2013. The partition proceedings were again taken up by the Revenue Authorities. The instrument of partition was prepared on 12.07.2018 by the Assistant Collector Second Grade, Ramshehar, District Solan. The order dated 12.07.2018 was also assailed by the petitioner before the Collector, Sub Division Nalagarh, by preferring an appeal. The aforesaid appeal was dismissed on



07.02.2020. Revision Petition preferred by the petitioner was also dismissed by the Divisional Commissioner, Shimla Division (exercising the powers of Financial Commissioner (Appeals) H.P. on 23.09.2025.

4. Learned counsel for the petitioner contends that '*Fard Kabja*' had not been prepared by the Revenue Authorities. Had '*Fard Kabja*' been prepared, the possession of the parties over specific portions of the land would have been depicted as on spot. Non preparation of '*Fard Kabja*' had caused prejudice the petitioner. It was also contended that partition carried out by the Revenue Authorities on the spot was not in terms of mode of partition. These objections have not been properly dwelled into by the Revenue Authorities.

5. Objection of '*Fard Kabja*' having not been prepared by the Revenue Authorities before finalizing the mode of partition is an objection taken too late in the day. '*Fard Kabja*' (list of possession) as per Clause 14.13 (A) of Chapter 14 of H.P. Land Records Manual is prepared before preparing mode of partition. Mode of partition was prepared on 19.03.2007. It was assailed by the petitioner on the grounds available to him before the Revenue Authorities. All these Revenue Authorities i.e. the Sub Divisional Collector,



Divisional Commissioner as also the Financial Commissioner, had affirmed the mode of partition in separate concurrent orders. The order passed by the Financial Commissioner (Appeals) on 09.07.2013, affirming the mode of partition dated 19.03.2007, was accepted by the petitioner. The same has attained finality. Therefore, petitioner now cannot be heard to complain that mode of partition is illegal as '*Fard Kabja*' had not been prepared.

The objection of the petitioner that partition has not been carried out in accordance with the approved mode partition, is also misconceived. It was contended for the petitioner that Field Kanungo and Patwari had not visited the spot in his presence and therefore, provisions of Chapter 14.23 of the H.P. Land Revenue Record Manuals were not complied with; Petitioner was not given an opportunity of hearing before finalizing the partition on the spot; Land was allotted to the petitioner by disturbing his actual possession. The Revenue Authorities have concurrently recorded on facts that on receipt of partition papers from the Field Revenue Staff, petitioner had got recorded his statement before the Assistant Collector Second Grade, Ramshehar on 13.03.2018 to the effect that he was not aware as to how the land had been partitioned



and requested to send the file to Field Kanungo Ramshehar for showing the allotted khasra numbers to him. Petitioner's request was accepted by the Assistant Collector Second Grade, Ramshehar, who directed the Field Kanungo for spot inspection and for showing the land allotted to the petitioner. The Field Kanungo visited the spot on 04.06.2018 and apprised the petitioner about the land allotted to him on the spot. Petitioner's statement was also recorded to the effect that he understood and accepted how the partition was carried out on the spot as also khasra numbers that were allotted to him in partition. In his statement recorded on 04.06.2018, petitioner did not object or point out that his possession had been disturbed on the spot. The facts of the case are pointer of the fact that petitioner has been dragging on without any valid justification the partition proceedings, that were instituted by the respondents as far back as on 01.02.2006.

In the given facts and circumstances and looking to the concurrent findings of facts recorded by the four Revenue Authorities, I do not find any ground to interfere with the impugned order dated 23.09.2025, passed by the Financial Commissioner (Appeals) Himachal



Pradesh. Consequently, the present writ petition is dismissed.

Pending miscellaneous application(s), if any, also to stand disposed of.

May 6, 2026
R.Atal

Jyotsna Rewal Dua
Judge