

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM(M) No. 109/2026
CM No. 3559/2026

Mandeep Kour
Th. Attorney Holder Navdeep Singh
Bijral

.....Petitioner

Through: Mr. Tarun Sharma, Advocate

Vs

Gurjeet Singh

..... Respondent

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(02.06.2026)

- 01.** The respondent-Gurjeet Singh, acting at his volition commenced proceedings under **Section 104 read with Section 105 of the J&K Land Revenue Act, Svt. 1996** for partition of the proprietary land of 'predecessor-in-interest', Harnam Singh.
- 02.** The subject matter of the partition petition is **Khewat No. 12, Khata No. 55 and Khasra No. 200 and 752/200**, measuring **20 kanals and 9 marlas** at village Gole, Tehsil Jammu West.

- 03.** Said Harnam Singh was a displaced person and thus allottee of the land in the aforesaid Khewat holding the property in his right as an occupancy tenant.
- 04.** Upon death of said Harnam Singh, mutation of inheritance No. **678** is said to have been attested in favour of his four sons and widow.
- 05.** The respondent is one of four sons whereas the petitioner is daughter of Parshotam Singh, the deceased son of Harnam Singh.
- 06.** The institution of the partition proceedings by the respondent is said to be of 2023.
- 07.** In the said partition case, the petitioner appeared through counsel and apprised the court through written objections that on the basis of a **memorandum of family settlement deed dated 17.01.1991** read with a will deed dated **27.07.2021** and attestation of mutation **No. 3230** dated **25.06.2022** the matter was concluded with respect to the succession/inheritance to the estate of Harnam Singh rendering the respondent's partition case misconceived.
- 08.** By reference to the disclosure of the mutation No. **3230** dated **25.06.2022** so made from the end of the petitioner, the respondent came forward with a time-

barred appeal under Section **11 of the J&K Land Revenue Act (Svt.), 1996** filed on **27.08.2024** before the court of learned Assistant Commissioner (Revenue) with Powers of Collector 1st Class, Jammu.

- 09.** By virtue of impugned order dated **31.12.2025**, the appellate authority of Collector 1st Class, Jammu has condoned the delay and taken the appeal on board for adjudication against mutation **No. 3230 of 2022** which has left the petitioner aggrieved to come to this Court invoking the supervisory jurisdiction of this Court under article 227 of the Constitution of India.
- 10.** In the face of the fact that the petitioner has the remedy of revision petition readily available to her under **J&K Land Revenue Act, Svt. 1996**, this Court reckons that approaching this Court through this petition would be a misstep on the part of the petitioner which would be prejudicial not only to the respondent but even also to the petitioner herself as any adverse adjudication from this Court may seriously prejudice either of the two sides and therefore, the petitioner shall be well advised to invoke the revisional jurisdiction under the **J&K Land Revenue Act, Svt. 1996**.

11. The petition is thus, not entertained reserving liberty in favour of the petitioner to approach the revisional authority against the impugned order within a period of next **thirty days** and till that time further proceedings in the appeal before the court of learned Assistant Commissioner (Revenue) with Powers of Collector 1st Class, Jammu in a case titled "**Gurjeet Singh Vs. Naib Tehsildar Gole & Anr.**", shall remain **stayed**.
12. The petition is accordingly, **disposed of**.

JAMMU
02.06.2026
SUNIL

