

**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No. 6615 of 2014  
Date of Decision: 27.3.2015.**

Jai Bhagwan and others

.....Petitioners

Versus

Jagdish and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Sumit Sangwan, Advocate  
for the petitioners.

Mr. Manoj Dhiman, Advocate  
for respondents No. 1 to 3 and 6.

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**SABINA, J.**

Petitioners have filed this petition challenging the order dated 5.8.2014 (Annexure P-1).

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondents had filed suit for declaration and had challenged the entries in the revenue record. Suit filed by the plaintiffs was dismissed vide judgment/decreed dated 10.6.2011. A perusal of the judgment passed by the Trial Court Annexure P-2 reveals that the Trial Court held that the plaintiffs should have approached the competent revenue authorities for issuance of *Farad Badar* if their claim was found to be correct. The Trial Court held that the civil suit was not maintainable. Further the Trial Court held that the suit was bad for non-joinder of necessary party

as co-sharer Sadhu Ram had not been made a party to the suit. Further the Trial Court held that the plaintiffs had failed to place on record any document showing their possession over the land in question.

Aggrieved against the judgment and decree passed by the Trial Court, plaintiffs filed an appeal. During the pendency of the appeal, plaintiffs moved an application that they may be permitted to withdraw the appeal as well as the suit. A perusal of the impugned order dated 5.8.2014 (Annexure P-1) reveals that the withdrawal of the suit as well as the appeal was sought on the ground that *Farad Badar* had been issued in favour of the plaintiffs and the mistake in the revenue record had been corrected. They had no cause of action to continue with the suit/appeal. Admittedly, *Farad Badar* had been prepared and sanctioned by the revenue authorities and the mistake in the jamabandi for the year 1959-1960, was corrected. As the plaintiffs had no further cause of action to pursue the suit, the Appellate Court rightly allowed the application moved by the plaintiffs to allow them to withdraw the appeal as well as the suit. Rather the suit filed by the plaintiffs had been rendered infructuous in view of the preparation/sanction of the *Farad Badar*.

Hence, in the facts and circumstances of the present case, no ground for interference by this Court is made out.

Petition stands disposed of accordingly.

**(SABINA)  
JUDGE**

**March 27, 2015**  
**Gurpreet**