

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

RSA No.4025 of 2012 (O&M)

Date of Decision: 29.10.2015

Harphool Singh and others

...Appellants

Harcharanjit Singh and others

.....Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Surinder Garg, Advocate, for the appellants.

RAJESH BINDAL, J.

Challenge in the present appeal is to the judgment and decree of the learned lower appellate court, whereby the the judgment and decree of the learned court below was reversed and the suit for declaration filed by the appellants challenging the order dated 5.9.2003 passed in partition proceedings, was dismissed.

The case set up by the appellants was that during the course of partition proceedings, the appellants/co-sharers were not heard. The trial court decreed the suit, whereas the learned lower appellate court reversed the judgment and decree of the trial court holding that Civil Court did not have jurisdiction to entertain the dispute in view of the specific bar under Section 158 (1) of the Punjab Land Revenue Act, 1887 (for short 'the Act') while referring to a judgment of this Court in Ranbir Singh v. Financial Commissioner, Haryana and others 2005 (3) RCR (Civil) 385.

Learned counsel for the appellants sought to argue that nothing specific is mentioned in Section 158 of the Act regarding jurisdiction of the Civil Court pertaining to partition proceedings. However, the argument is mis-conceived. Section 158 (1) of the Act is quite exhaustive, as it provides that Civil Court will not have jurisdiction in any matter, which the State or Revenue Officer is empowered by this Act to dispose of or take cognizance. He did not dispute that the partition proceedings are within the domain of the officers appointed under the Act. Hence, there being specific bar of the jurisdiction of Civil Court to entertain the dispute, in my opinion, there is no

error in the judgment and decree passed by the learned lower appellate court. No substantial question of law arises.

The appeal along with accompanying applications are, accordingly dismissed.

(RAJESH BINDAL)
JUDGE

29.10.2015

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