

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

RSA No.1154 of 2015
Date of decision : 06.10.2015

Bed Ram and ors.

...Appellants

Versus

Leela Dhar and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Ashok Kaushik, Advocate for the appellants.

AMIT RAWAL, J. (Oral)

Learned counsel for the appellants-plaintiffs submits that relief of declaration and permanent injunction was sought by challenging the partition proceedings dated 19.08.2008. Both the Courts below have dismissed the suit on the ground that remedy for the appellants-plaintiffs was not with the Civil Court, but it lied elsewhere. He further submits that he may be permitted to withdraw the suit in order to challenge the partition proceedings, by filing the appeal under the Punjab Land Revenue Act.

I have gone through the judgments of both the Courts below, which reveal that partition proceedings, alleged to have been held on 19.08.2008, had been challenged.

The appellants-plaintiffs had remedy to file the appeal and not in the form of suit. The suit ex facie was not maintainable. There is force in the submission, made by learned counsel for the appellants. Accordingly, plaintiff is permitted to withdraw suit bearing No. 1013/1 of 2008 titled as Bed Ram and ors. Vs. Leela Dhar and ors. with liberty to avail the alternative remedy in accordance with law.

RSA is disposed of.

06.10.2015

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**(AMIT RAWAL)
JUDGE**