

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

(1) CR No. 1377 of 2015 (O&M)
Date of decision: April 11, 2016

Baltej Singh

...Petitioner

Versus

Pritam Kaur and others

...Respondents

(2) CR No. 2192 of 2015 (O&M)

Tehsildar and others

...Petitioners

Versus

Pritam Kaur and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner in CR No.1377 of 2015 and
for respondent No.2 in CR No. 2192 of 2015.

Mr. Ashok Verma, Advocate,
for respondent No.1 in both the cases.

Mr. Sidharath Sanwaria, DAG, Haryana,
for respondents No. 2 to 4 in CR No. 1377 of 2015 and
for the petitioner in CR No. 2192 of 2015.

K. KANNAN, J. (Oral)

1. Both the revisions are against the order passed by the trial court dismissing an application moved by the State for rejection of the plaint. The rejection was sought on the ground that no notice was issued under Section

80 of the Civil Procedure Code. The Court has observed that the application for exemption was filed and, therefore, the suit cannot be taken as having been barred under Section 80 of the Civil Procedure Code.

2. There is also another objection taken that the entries relating to Girdawar were corrected through an order dated 3.3.2003 and the plaintiff had applied for setting aside the order. The proceedings culminated further in the correction in the year 2012 and without availing the remedy of appeal under Section 14, 15 and 16 of the Punjab Land Revenue Act, filed a suit for declaration that the Khasra girdawari were wrong and such a suit cannot be maintained.

3. The learned counsel appearing on behalf of the respondent/plaintiff seeks to support the frame of the suit by reference to the judgments which have not considered the effect of the order of the revenue authorities and exclusion of the jurisdiction with reference to the matter for which the power is granted to the revenue authorities to pass appropriate order under the Punjab Land Revenue Act.

4. I may not find any need for entering such adjudication, for, if the plaintiff has filed a suit for declaration for his proprietary right over the property and can establish his sole possession that relief could be granted only by the civil court, for, an adjudication of title cannot be made by the revenue authorities. The suit may be construed as only a prayer for declaration and the reliefs of injunction and the prayer for setting aside the order of the revenue authorities as regards the entries and girdawar are to be taken as merely consequential. A change in entry will follow any exclusive adjudication in favour of the plaintiff and the entries in girdawar cannot be

used for any purpose other than the purpose for which they are entered. The right to property will be adjudicated on the evidence placed by the respective parties uninfluenced by the entries in the girdawar.

5. The orders passed already stand modified and the revision petitions are disposed of with the above direction.

April 11, 2016
prem

(K.KANNAN)
JUDGE