

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

CR No.6542 of 2016

Date of decision:29.09.2016

Ravinder Singh and others

... Petitioners

Vs.

Gurpreet Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. H.R.Bhardwaj, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner-plaintiffs are aggrieved of the dismissal of the ad interim application filed in a suit seeking declaration and permanent injunction to the effect that order of partition dated 17.09.2014 passed by the Assistant Collector Grade II and instrument of partition dated 3.12.2014 in pursuance to the order dated 17.09.2014 passed in partition case titled as Gurpeet Singh and others vs. Harbhajan Singh and others in respect of suit land, being illegal, null and void.

Mr. H.R.Bhardwaj, learned counsel appearing on behalf of the petitioner-plaintiffs submits that the aforementioned orders were passed at the back of the petitioners. It is in this background of the matter, the suit aforementioned was filed. The partition order is not according to the actual partition and the preparation of Naksha-Urra, Naksha-Arra and other orders in the partition proceedings are also illegal, null and void and under the garb

of the aforementioned orders, the respondent-defendants are dispossessing the petitioner-plaintiffs and thus, urges this Court for restraining the defendants from dispossessing the petitioner-plaintiffs.

I have heard learned counsel for the petitioner-plaintiffs and appraised the paper book.

Before dictating the order, this Court raised a query to Mr. H.R.Bhardwaj, as to whether any remedy of revision or appeal has been availed of or not, the answer given was in positive as the matter is stated to be pending before the Financial Commissioner, Punjab. In such case, once the petitioners have already availed the aforementioned remedy, can seek the interim protection but not in the manner and mode as has been adopted. In case, the order under challenge has been passed at the back of the petitioners, it is within the domain of the Financial Commissioner, who may pass the order, in accordance with law, keeping in view the aforementioned contentions.

In view of the aforementioned observations, I do not intend to differ with the findings rendered in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 29, 2016
savita
Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No