

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 784 of 2015
Date of decision : April 8, 2016

Sarwan Singh

..... Petitioner

Versus

Janak Raj and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. B. S. Saini , Advocate
for the petitioner.

Mr. Satyaveer Singh, Advocate
for respondent No.1.

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?

Amit Rawal, J (oral).

The petitioner-defendant No.3 is aggrieved of the dismissal of the application filed under Order 7 Rule 11 CPC on the ground that trial court did not have jurisdiction to try the suit. The land is an agricultural land and as per provisions of Section 158 of Land Revenue Act, 1901 the civil court does not have jurisdiction.

Learned counsel for the petitioner submits that the land is an agricultural land and therefore provisions of Section 158 of Land Revenue Act, 1901 would not apply, and the application under Order 7 Rule 11 has erroneously been dismissed. A land measuring 17 kanal 8 Marlas is cultivable land and 2 Marla land is gair mumkin

Gada Khad and therefore civil court did not have jurisdiction.

Learned counsel for the petitioner submits that the revenue entries in the khasra girdawari shows that as per Jamabandi Ex.P-2 the land measuring 16 Marlas of Khasra No. 24/2 is a gairmumkin land whereas majority of the land is a gairmumkin land.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that there is no substance in the submission of learned counsel for the petitioner. The petitioner-defendant No.3 is at liberty to place this plea for pressing the issue, if not framed before the court below to lead evidence, in this regard. The Court shall at the time of final arguments shall form an opinion whether the civil court had jurisdiction or not, much less the land is gairmumkin but not at this stage.

In view of the aforementioned facts, the impugned order is affirmed. The revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

April 8 , 2016
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