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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 584/2015**

BRAHMA NAND SHARMA & ORS Appellant

Represented by: Ms.Shilip Jain Sharma,
Advocate.

versus

GAON SABHA NANGLOI JAT & ORS Respondents

Represented by: Mr.Santosh Kumar Tripathi,
Additional Standing Counsel,
GNCTD/R-1.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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15.01.2016

CM No.24083/2015

1. For the reason stated in the application 63 days delay in filing the appeal is condoned.
2. Application is disposed of.

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1. Having heard learned counsel for the parties we find no infirmity in the impugned order dated June 29, 2015 dismissing I.A.No.12489/2015 praying for an *ad-interim* injunction pending disposal of the suit. The learned Single Judge has noted that in the revenue record title of the land is recorded that of the government evidenced by the entry in the record: '*Sarkar Daulatmadar*'.

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2. The very maintainability of the suit, which seeks a declaration of title is doubtful, for the reason as per Delhi Land Reforms Act, 1954 a suit for declaration of title as a Bhumidar or an Assami qua agricultural land is maintainable before the revenue assistant. As per Section 185 of the Delhi Land Reforms Act, 1954 the jurisdiction of a Civil Court would be barred. In the decision reported as 1970 (2) SCC 841 Hathi vs.Sunder the Supreme Court held that where a Revenue Court has jurisdiction over a subject matter of a claim the jurisdiction of the Civil Court would be barred.

3. Appeal is dismissed.

4. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 15, 2016
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