

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

RSA No.3272 of 2016 (O&M)

Date of Decision: 21.09.2017

Smt. Sawarni Rani and others

... Appellants

Versus

Som Raj and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajeev Dev Sharma, Advocate,
for the Appellants.

ANIL KSHETARPAL, J. (ORAL).

The plaintiffs are in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below.

The plaintiffs had challenged the order passed by the Assistant Collector First Grade partitioning the land. With respect to the agricultural land, the power to partition the property has been given to the revenue authorities under the Punjab Land Revenue Act, 1887 (for short the Act of 1887). Still the Courts below have examined the case on merits as well as on the question of lack of jurisdiction.

Both the Courts below have concurrently found that there is no illegality or perversity in the order of partition.

Section 158 of the Act of 1887 bars the jurisdiction of civil Court to examine any issue which is within the jurisdiction of the State Government or the Revenue Officer empowered by the Act of 1887.

In view of the aforesaid, I do not find any good ground to interfere with the concurrent finding of fact recorded by the Courts below.

The appeal is dismissed. However, the plaintiffs/appellants would be at liberty to approach the competent authorities under the Act of 1887 for redressal of their grievance.

(ANIL KSHETARPAL)
JUDGE

21.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No