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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-9129-CII, 9130-CII-2018 in/and
CR No. 2384 of 2018 (O/M)
Date of decision : 15.5.2018

Jasvir Singh and others Petitioners

Versus

Sadhu Singh and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. C.S. Jattana, Advocate,
for applicants-petitioners.

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

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KULDIP SINGH J. (ORAL)

CM-9129-CII-2018

Application is allowed, as prayed for.

Application is disposed of.

CM-9130-CII-2018

Documents (Annexure-P-14 to Annexure-P-19) are taken on record.

Application is disposed of.

Main case

Petitioners have impugned order dated 3.4.2018(Annexure-P-4), passed by learned Additional District Judge, Fatehgarh Sahib, affirming order dated 28.2.2018 (Annexure-P-2), passed by learned Civil Judge (Junior Division), Fatehgarh Sahib, vide which their application under Order XXXIX Rules 1 and 2 CPC, 1908, was dismissed.

CR No. 2384 of 2018 (O/M)

Heard.

Perusal of impugned order shows that plaintiffs have challenged partition order/deed dated 30.1.2014, passed by AC 1st Grade, Fatehgarh Sahib.

I am in agreement with view taken by trial Court that partition proceedings could be challenged only before the Higher Revenue Court and not by way of filing civil suit. When there is doubt regarding maintainability of suit, there is no ground to grant injunction. There is no ground to interfere in impugned orders passed by two Courts below. Consequently, revision is dismissed. Since main case has been dismissed, therefore, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

15.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No