

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4800 of 2016 (O/M)
Date of decision : 10.5.2018

Ramji Lal through LRs and another Petitioners

Versus

Sanjay Sinha and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Deepanshu Matya, Advocate,
for petitioners.

Mr. Rajesh Arora, Advocate,
for respondents No. 1 and 2.

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)

Impugned in present revision is order dated 21.10.2015, passed by learned Civil Judge (Junior Division), Sohna, whereby an application filed by present petitioners-defendants under Order VII Rule 11 CPC, 1908, for rejection of plaint was dismissed.

Copy of plaint shows that plaintiffs-respondents filed a suit seeking declaration that they are co-owners in possession to the extent of 1/6th share and that share recorded as 91/2064 is wrongly recorded in jamabandi. Further that they are entitled to enjoy separate possession which is with them. They also seek permanent injunction restraining defendants from interfering in peaceful possession of suit land.

The learned counsel for petitioners has argued that under Section 158 (2) (vi) of Punjab Land Revenue Act, 1958, suit for correction of revenue entry is barred. The learned counsel for petitioners further states

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that under the garb of present suit infact partition of agricultural land is sought which can be done under Section 111 of Punjab Land Revenue Act, 1958, by the Revenue Court only and, therefore, it is prayed that jurisdiction of Civil Court is barred.

The learned counsel for petitioners has relied upon authority of this Court in *Chander Bhan Versus Hari Ram and others*, 1996 (3) LJR 307, which is regarding private partition, which is not claimed in present case.

I am of the view that so far as declaration part is concerned, the Civil Court can always grant declaration regarding ownership and so is the case regarding permanent injunction. The Civil Court can also determine whether plaintiff is in exclusive possession of some khasra number or not? It being so, it cannot be said that entire suit is barred under the Punjab Land Revenue Act, 1958. No specific prayer for partition has been made. There is no ground to reject the plaint under Order VII Rule 11 CPC, 1908. There is no force in revision. Consequently, revision is dismissed. Since main case has been dismissed, therefore, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

10.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No