

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

CR-5384-2016 (O&M)

Date of decision : 23.4.2018

Jagbir Singh and another

..... Petitioners

Versus

Rajender and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ajit Sihag, Advocate for the petitioners.

Mr. Rishab Lohan, Advocate for

Mr. R.N.Lohan, Advocate for respondents No. 1 to 4.

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 ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 7.5.2016, passed by learned Civil Judge (Junior Division), Hansi, vide which an application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 filed by respondent No. 5 was allowed and the civil suit was dismissed on the ground that Civil Court has got no jurisdiction.

Heard.

It comes out that plaintiff while seeking declaration that he is in joint owner in possession has challenged the order of partition dated 16.3.2011 passed by AC IInd Grade Hansi, District Hisar. He has also challenged the mode of partition.

I am of the view that said order is appealable and appeal lies before the higher revenue authorities.

Learned counsel for respondents No. 1 to 4 has informed this Court that remedy of appeal was availed however, the appeal was dismissed and application for review of the said order was also dismissed. Since the order in the partition proceedings was passed by learned AC IInd Grade, Hansi, District Hisar on 16.3.2011 and revenue authorities had got the jurisdiction, therefore, the civil suit against the said order is barred under Section 158 of the Punjab Land Revenue Act 1887.

Accordingly, there is no force in the present revision petition.

Dismissed.

(KULDIP SINGH)
JUDGE

23.4.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No