

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

RSA No.2906 of 2017 (O&M)

Date of decision : 11.07.2018

Surajmal and others

...Appellants

Versus

Ishwar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saurabh Dalal, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs through the present suit are challenging the partition proceedings and the final order of partition passed in the proceedings held under the Punjab Land Revenue Act, 1887.

The plaintiffs filed a suit claiming that the partition proceedings are result of fraud and they have been wrongly proceeded against the ex parte. Plaintiff Nos.1 and 3 appeared before the Revenue Court on 06.04.2009 and 22.04.2009. Both of them had put their signatures on the order sheet. Still further, it was found that plaintiff No.4 also appeared before the Revenue Court on 13.05.2009 but thereafter did not appear. The Court has further noticed that in the partition proceedings, the plaintiffs who were respondents therein had filed the written statement.

In such circumstances, both the Courts have found the case set up by the plaintiffs to be without any merit which has been dismissed. It is not disputed that the jurisdiction of the Civil Court to examine the validity of the orders passed by the authorities constituted under the Punjab Land Revenue Act, 1887 is barred. The Civil Court can only assume the jurisdiction, once it is established that the procedure as prescribed in the statute has not been followed or principle of natural justice has been violated. In the present case, the plaintiffs failed to prove the aforesaid facts.

In these circumstances, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are also disposed of, in view of the abovesaid judgment.

11.07.2018

Pawan

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No