

RSA-3469-2017 (O&M)

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

RSA-3469-2017 (O&M)

Date of decision : 06.12.2018

Balwinder Kumar

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep K. Sharma, Advocate
for the appellant.

AMIT RAWAL, J.

CM-8378 -C-2017

For the reasons stated in the application, the delay of 01 day in
filing the appeal is condoned.

CM stands disposed of.

CM-8377 -C-2017

For the reasons stated in the application, the delay of 548 days
in refiling the appeal is condoned.

CM stands disposed of.

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The appellant-plaintiff has not been successful in claiming
declaration by laying the challenge to the orders dated 09.08.2007 and
14.07.2011 being without jurisdiction and against the provisions of law.

The short point involved in the present case is that the plaintiff

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challenged the aforementioned orders, on the premise that out of the total land of 5 kanals 9 marlas, only 16 marlas of land was abadi and rest was agricultural and therefore, the Revenue Court could not have entertained the application under Section 111 of the Punjab Land Revenue Act.

It is a settled law that where majority of the property is agricultural being *abadi deh* and outside the municipal limits, it is only the revenue court which would have jurisdiction and not the civil court. Even otherwise, jurisdiction could have been invoked either of the court. The jointness of the property has not been disputed.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

06.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**