

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

**RA-RS-5-2019
IN RSA-4823-2018
Date of Decision:12.03.2019**

Narayan Singh

...Review Applicant-Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ajay Kumar Gupta, Advocate for the review applicant-appellant.

ANIL KSHETARPAL, J.

Review of order dated 7.12.2018 has been sought on the ground that the civil court has the jurisdiction to go into the legality of the order passed by the authorities in exercise of their powers under the Punjab Land Revenue Act, 1887.

In this case, the plaintiff-appellant was appointed as Namberdar, a Headman, however, later on in a complaint, the Financial Commissioner found that such order was obtained by the appellant after playing fraud. Thus, the Financial Commissioner ordered, setting aside the order appointing Nambardar. This order was subject matter of challenge in the civil court.

The learned trial court after appreciation of evidence found that the jurisdiction of the civil court is barred under Section 158 of the Act of 1887. The plaintiff failed to establish that the order passed by the learned Financial Commissioner was in violation of either the principles of natural justice or in violation of the procedure prescribed under the Act of 1887.

The learned trial court found that the order appointing the plaintiff as

Nambardar suffered from patent error. The trial court held that there is a difference between technical error and patent error. In such circumstances, the learned first appellate court upheld the judgment of the learned trial court, which was in turn upheld by this Court.

Learned counsel appearing for the review applicant has submitted that the civil court would always have a jurisdiction if the procedure as prescribed under the statute has not been followed.

There is no dispute with the contention of learned counsel for the review applicant-appellant. However, in the present case, the plaintiff has failed to show or prove that the order passed by the learned Financial Commissioner was either in violation of statute or in violation of principles of natural justice.

In view of the above, there is no ground made out for review of the order. Hence, the review application is dismissed.

12.03.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No