

239

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

**Civil Revision No.8280 of 2018 (O&M)
Date of Decision: 25.11.2019**

OM SINGH

.....Petitioner

Vs

KAMLESH AND ORS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:None for the petitioner.

Mr. S.K. Bhardwaj, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 13.09.2018 passed by the Addl. Civil Judge (Sr. Divn.) Jind vide which the application under Order 7 Rule 11 CPC for rejection of the plaint was dismissed.

[2]. Learned counsel for the respondents submitted that the order passed by the revenue Court was in violation of the principles of natural justice and the same could have been assailed before the civil Court. Jurisdiction of civil Court is not barred under Section 158 of the Punjab Land Revenue Act, where the Revenue Officer has violated the principles of natural justice. Learned counsel placed reliance

upon **State of Haryana and Ors. vs. Vinod Kumar & Ors., 1986 PLJ 161 (Full Bench)** and **Gurbax Singh vs. Financial Commissioner, 1991 PLJ 192 (SC)**.

[3]. Vide order dated 16.08.2019 passed by this Court, last opportunity was granted to learned counsel for the petitioner to address arguments for today. However, there is no representation on behalf of the petitioner despite two pass overs.

[4]. I have considered the submissions made by learned counsel for the respondent on merits.

[5]. Perusal of the record would show that there are specific allegations in the plaint in terms of para Nos.3 and 4 that the respondents were not served in partition application before the A.C. IInd Grade. Jai Bhagwan son of Deep Chand was impleaded as respondent No.11 and thereafter he was summoned by the Court for 16.12.2011. On the summons issues to him, it was reported by the process server that he had died on 07.05.2011. Thereafter no application for impleading the LRs of Jai Bhagwan was filed by the petitioner before the Assistant Collector, IInd Grade and the LRs of Jai Bhagwan i.e. the respondents were never summoned by the Court in the said partition proceedings. Only an amended title of the application was filed showing Kamla, Sonu, Monu and Lovely as legal heirs

of Jai Bhagwan. They were never summoned by the Court by any lawful mechanism.

[6]. The violation of principles of natural justice would attract Section 9 CPC and oust the bar created under Section 158 of the Land Revenue Act. Reference can be made to the ratio of **Raghubir Singh vs. Jaipal Singh & Ors., 2015(2) PLR 713** and **Giani Ram & Ors. vs. Ompati & Ors., 2008(1) PLR 811.**

[7]. For the reasons recorded hereinabove, I deem it appropriate to maintain the impugned order. This revision petition is accordingly dismissed.

November 25, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No