

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

RSA No.6543 of 2016 (O&M)

Date of decision:01.02.2019

Inder Singh and another

... Appellants

Vs.

Rajbir and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S.K.Yadav, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

Appellant-plaintiffs No.1 and 2 have not been successful before both the Courts below in seeking separate possession by way of partition of agricultural land on the ground of oral partition but fact of the matter is that property in dispute is situated outside the Municipal Limits of District Mahendergarh and therefore, in view of the provisions of Section 158 of the Punjab Land Revenue Act as applicable to Haryana, the Civil Court would not have the jurisdiction to sanction the partition.

In such view of fact that the Civil Court could not have relegated the matter, the appellants are at liberty to seek partition in accordance with law.

It is made clear that as and when the jurisdiction of the revenue Court is invoked, it shall decide the partition application without influence of the findings in the impugned judgments and decrees.

I do not find any illegality and perversity in the impugned judgments and decrees and the regular second appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 01, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No