

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

RSA No. 4840 of 2018 (O&M)

Date of decision: 20.02.2020.

Bhura Singh

..... Appellant.

Versus

Harbans Singh and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ashish Grover, Advocate, for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM No. 13081-C of 2018

This application is for condonation of delay of 166 days in filing the appeal.

Heard. For the reasons stated in the application, the same is allowed and the delay of 166 days in filing the appeal is condoned.

RSA No. 4840 of 2018 (O&M)

The appellant/plaintiff has challenged the judgments and decrees of the Courts below whereby the suit preferred by him for declaration has been dismissed.

Learned counsel for the appellant contends that the judgments and decrees of the Courts below are unsustainable in law and the same deserve to be set aside.

Heard.

The appellant/plaintiff had filed a suit for declaration to the

effect that the order passed by the Assistant Collector 1st Grade, Talwandi Sabo, as well as the orders passed by the Appellate Authority and the Revisional Authority thereagainst were illegal, *null and void*.

The suit of the appellant/plaintiff has been dismissed by the Courts below on the ground that the jurisdiction of the Civil Court is barred under Section 158 of the Punjab Land Revenue Act, 1887 ('Act' - for short). The Courts below have relied upon several judgments of this Court, including Harjinder Singh v. Kesar Singh and others, 2014 (2) PLR 188; Resham v. Randeep Kaur and others, 2014 (3) LAR 659; Mam Chand v. Smt. Bhago Devi and others, 2011 (1) LAR 386; Sukhbir Kaur and another v. Kehar Singh and others, 2012 (3) RCR (Civil) 94 and Gurbax Singh and others v. State of Haryana and others, 2015 (1) PLJ 284, wherein it has been held that the suit with regard to the proceedings conducted in pursuance of the directions of the Revenue Courts would be barred under Section 158 of the Act and only in the event when the question of title is involved in the partition proceedings, the Civil Court has jurisdiction to entertain the suit. However, the question of title is not in issue in the instant suit. Consequently, I do not find any merit in this appeal, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

20.02.2020
Ramesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No