

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

CR-577-2023(O&M)

Date of decision:-30.1.2023

Resham Singh

...Petitioner

Versus

Jaswant Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Abhinav Jain, Advocate
for the petitioner.

H.S. MADAAN, J.

1. Briefly stated, facts of the case are that plaintiff Resham Singh had filed a suit against defendants Jaswant Singh and others seeking a declaration that partition, which was effected between the plaintiff and defendant No.1 on the basis of agreement dated 17.1.2013 is illegal and ultravires against the principles of natural justice and rules of Punjab Land Revenue Act, 1887. He sought a further declaration that mutation No.1714, which was sanctioned in favour of the plaintiff and defendant No.1 on the basis of agreement of partition dated 17.1.2013 is also illegal and ultravires etc.

2. On getting notice of the suit, defendants No.1 to 3 had appeared and filed an application under Order 7 Rule 11 read with Section 9 CPC and Section 158 of Punjab Land Revenue Act for rejection of the plaint for the reason that jurisdiction of the Civil Court in such like matters is barred.

3. The application was resisted by the plaintiff contending that the Civil Court has jurisdiction to try and the decision in the partition cases can be challenged in the Civil Court if the revenue authorities have not followed proper procedure laid down in the Punjab Land Revenue Act for the purpose of effective partition between the parties. Therefore, the suit is maintainable.

4. Vide the impugned order dated 13.12.2022, the application was accepted, leaving the plaintiff aggrieved and he has approached this Court by way of filing the present revision petition.

5. I have heard learned counsel for the revision petitioner besides going through the record and I find that the revision petition is absolutely without merit.

6. Section 158 of the Punjab Land Revenue Act, 1887 clearly bars the jurisdiction of the Civil Court in the matter, which a Revenue Officer is empowered by the Act to take cognizance of and deal with. The partition of agricultural land is exclusively within the domain of the revenue authorities. The plaintiff by way of filing the suit is challenging the partition between him and defendant No.1. A perusal of the plaint goes to show that the plaintiff admits his signatures on the papers, although setting up a story that defendant No.1 had obtained his signatures on blank papers stating that those were required to be furnished in the bank and with Revenue Department. This story does not come out to be convincing because as has been noticed, when the people get cornered, they come up with such type of stories. The plaintiff also admits his appearance before the revenue authorities although stating that it was

on the pretext that some benefits were to be taken from Punjab Government. Although the plaintiff is alleging a fraud being played with him by defendant No.1 but after participation in the partition proceedings and signing the requisite documents, such type of pleas do not make any sense. The trial Court has rightly observed that in case the plaintiff has got any grouse, he can take recourse to remedy of appeal/revision provided under Punjab Land Revenue Act instead of rushing to the Civil Court by filing the suit when jurisdiction of the Civil Court in such like matters is specifically barred.

7. The order passed by the trial Court is detailed and well reasoned without there being any element of arbitrariness. The same does come out to be suffering from any illegality or infirmity much less apparent on the face of it. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction. The plaint in this case was rightly rejected.

8. The revision petition stands dismissed accordingly.

Since the main revision petition stands dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

30.1.2023
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No