

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

125

2023:PHHC:149208

**CR-2537-2019 (O&M)
Date of decision: 23.11.2023**

BALJEET SINGH AND ANR.

..Petitioners

Versus

KARTAR KAUR AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep S. Majithia, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed to challenge the correctness of the interlocutory order passed by the trial Court while allowing the application filed by the plaintiff to amend the plaint. The plaintiff's suit for declaration that he is owner in possession of 4 kanal and 8 marlas land or in the alternative in joint possession of the land on the basis of the sale deed dated 25.06.1986, executed by Sh. Karam Singh, is pending. During the pendency of the suit, an application for permission to amend the plaint was filed while asserting that the previous order of the partitioning of the property dated 04.01.1990, is wrong, illegal, null and void.

2. The Court has allowed the application.

3. The correctness of the aforesaid order has been challenged in this revision petition.

4. The learned counsel representing the petitioner contends that the Civil Court has no jurisdiction to set aside the order of partition passed by the competent authority in view of the bar contained in Section 158 of the Punjab Land Revenue Act, 1887. He submits that the Civil Court has no

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jurisdiction to entertain a suit to challenge the correctness of order of partition passed by the revenue authority.

5. At this stage, the Court has only permitted the plaintiff to amend the plaint. It shall be open to the petitioner to take the necessary objection before the Civil Court.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Dismissed accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.

November 23rd, 2023
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(ANIL KSHETARPAL)
JUDGE

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