

RAM KANWAR ALIAS RAM KUWAR VS SAT NARAIN

Present: Mr. Balwant Singh Billowria, Advocate
for the applicant-appellant.

C.M.No.2277-78-C-2023

1. For the reasons mentioned in these applications, the delay of 27 days in re-filing and 274 days in filing the review application is condoned.

C.M.No.2279-C-2023

2. Allowed as prayed for.

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3. The appellant prays for reviewing the judgment dated 07.02.2020 passed by this Court while disposing off the Regular Second Appeal.

4. The learned counsel representing the applicant-appellant submits that a substantial question of law with regard to the interpretation of Section 45 of the Land Revenue Act, 1887 has not been adjudicated by the Court. He further submits that the affidavit mutually partitioning the land was obtained by fraud and he has not been given any further remedy by the Court.

5. Section 45 of the Land Revenue Act, 1887 enables a party if he is aggrieved of entry in the revenue record, he may file a suit. In the present case, the applicant filed a suit for declaration that the mutation evidencing partition of the property between the brother is not binding on him. Hence, the suit has already been filed under Section 45 of the Land Revenue Act, 1887.

6. This court has decided the case on merits and not on the question of jurisdiction. Hence, the aforesaid question does not require any adjudication.

7. The next argument of the learned counsel representing the applicant is with regard to the applicant having been rendered without any further remedy.

8. Once the Civil Court on perusal of the material evidence available on record found that the brothers after mutually partitioning the property executed the affidavit in order to settle their inter-se dispute, which was already implemented and the parties were put in their separate possession, the Court is not expected to grant any liberty to avail any further remedy as the dispute is already settled.

9. The scope of jurisdiction of this Court while entertaining a review application is limited.

10. Keeping in view the aforesaid facts and discussion, the review petition is dismissed.

March 24, 2023
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(ANIL KSHETARPAL)
JUDGE