

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

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2024:PHHC:004174

RSA-475-2020

Date of decision: 12.01.2024

OM PARKASH (DECEASED) THROUGH LRS

..Appellant

Versus

ANAR SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shilak Ram Hooda, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the plaintiff challenges the correctness of the concurrent findings of fact arrived at by the Courts below while dismissing his suit for grant of decree of declaration that the mutation entry reflecting the partition of the land on the basis of mutual consent has been dismissed. It has come in evidence that the plaintiff filed an affidavit duly attested by the Executive Magistrate and identified by Sh. Raj Kumar, headman (Nambardar) of the village while requesting the revenue authorities to partition the land. As per the mutual settlement, the plaintiff was allotted land measuring 24 kanal 1 marla comprised in Rectangle No.126, Khasra no.16/2/1, Rectangle No.115, Khasra no.21/2 & 22/2, Rectangle No.139, Khasra No.24/2 and Rectangle No.125, Khasra No.20/2.

2. Both the Courts have also found that the partition has already been acted upon and the parties have settled in their respective possession.

3. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paperbook.

4. The learned counsel representing the appellant contends that the agricultural land has been partitioned by the revenue authorities without

following the proper procedure. He submits that no one had filed an application for seeking partition of the land before the Court of Assistant Collector and in absence thereof, the mutation reflecting the partition of the land is not sustainable.

5. This Court has considered the submissions of the learned counsel representing the appellant.

6. As per the Punjab Land Revenue Act, 1887 and the Punjab Land Record Manual, the agricultural land can be partitioned in two ways, one is by way of mutual consent and second is through the Court by filing a petition under the Punjab Land Revenue Act, 1887.

7. In this case, the parties adopted the first procedure for partitioning the land. The plaintiff has failed to prove that he did not thumb mark the affidavit, which was duly attested by the Executive Magistrate as the appellant was identified by the Headman (Nambardar of the village).

8. In view of the aforesaid fact, no ground to interfere is made out.

9. Dismissed accordingly.

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

January 12th, 2024

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(ANIL KSHETARPAL)
JUDGE

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