



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.5397 of 2019 (O&M)

Date of Order:19.07.2024

Pawan Kumar

.Appellant

Versus

Shri Niwas and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shalender Mohan, Advocate
for the appellant.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing her suit for grant of decree of declaration. In substance, the appellant was one of the co-sharer in the joint agricultural land.

2. In the States of Pujab, Haryana and Union Territory, Chandigarh, for partition of the agricultural land, the jurisdiction vests with Assistant Collector. Thereafter, an appeal is maintainable before the Collector. There is hierarchy of appellate and revisional authorities as constituted under the Punjab Land Revenue Act, 1887 (hereinafter referred to as the 1887 Act'). The suit property was ordered to be partitioned by the competent authorities. The appellant filed a suit for declaration that such orders passed by the authorities are illegal, null and void. The jurisdiction of the civil court is barred under Section 158 of the 1887 Act.

3. Both the courts found that the orders passed by the authorities are not amenable to interference by the civil court. The appellant does not claim that he was not heard or the procedure as prescribed under the 1887



Act was not followed. Both the courts have held that the father of the appellant did participate in the proceedings.

- 4. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 5. Dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

July 19, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO