



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

RSA-1235-2023 (O&M)

Date of decision : 03.03.2025

Mitha Singh

...Appellant

Vs.

Amandeep Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Judgepreet Singh Warring, Advocate
 for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. The defendant No.1 assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing the plaintiffs' suit for declaration that they are the owners in possession of 05 kanals 12 marlas property. In fact, defendant No.1 filed an application seeking partition of joint property before the Revenue Authorities. In the States of Punjab and Haryana, the jurisdiction to partition the agricultural land is with the Revenue Authorities under the Punjab Land Revenue Act, 1887, whereas, the jurisdiction to partition constructed area lies within the domain of Civil Court. The appellant filed petition before the Revenue Authorities, which was allowed. The plaintiffs filed a suit claiming that houses are in existence for the last 20 years in the major part of the property. Both the Courts have found that the major part of the property is already covered by the constructed area.

2. Learned counsel representing the appellant submits that the land



measuring more than 04 kanals is lying vacant.

3. Be that as it may. The Revenue Authorities have ordered partition of the entire land which was not within their jurisdiction. The First Appellate Court in para 24 of the judgment has already observed that the appellant can file a Civil Suit seeking partition of the entire property.
4. Keeping in view the aforesaid facts, no ground to interfere is made out.
5. The appeal is dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

03.03.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No