



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

(121)

CR-2645-2026**Date of decision:- 23.03.2026****KUSUM GUPTA****... Petitioner****Versus****JAI SINGH AND OTHERS****... Respondents****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present:- Mr. Sudhir Aggarwal, Advocate
for the petitioner.

1. The present revision petition has been preferred under Article 227 of the Constitution of India by the petitioner-defendant No.7, who is aggrieved by the impugned order dated 14.08.2025 (Annexure P-4), passed by the Civil Judge (Junior Division), Gurugram, whereby the application filed by petitioner-defendant No.7 under Order VII Rule 11 read with Section 151 CPC was dismissed.
2. The case of the petitioner/defendant No.7 is that the suit land, being agricultural land, cannot be partitioned by Civil Court and that the jurisdiction lies with the revenue authorities. Learned counsel for the petitioner-defendant No.7 submits that, from the pleadings and the reference made to the jamabandis, it is clearly made out that the suit land is agricultural land; therefore, the Civil Court has no jurisdiction.
3. Admittedly, the suit land is stated to be a small plot measuring 625



sq. yards. The question whether the suit land is agricultural land or *gair mumkin* land, and whether the Civil Court has jurisdiction, can only be decided after evidence is led by the parties. At this stage, no finding regarding the nature of the suit land can be given. Accordingly, no fault can be found with the dismissal of the application under Order VII Rule 11 read with Section 151 CPC.

4. The present revision petition is without merit and is, therefore, dismissed. However, it is made clear that the petitioner-defendant No.7 shall have the right to raise all issues including the issue of jurisdiction as a defence, and in case the learned Court of first instance arrives at a conclusion that the suit land is agricultural land, it shall decide the matter in accordance with law.

5. In view of the above, the present revision petition stands disposed of.

(PARMOD GOYAL)
JUDGE

23.03.2026
parul verma

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No