

2026:PHHC:054393



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

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**RSA-1322-2026 (O&M)
Date of decision :08.04.2026**

SUKHJIT SINGH

... APPELLANT

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. R.S. Bains, Senior Advocate with
Mr. Sarabjot Singh Cheema, Advocate and
Mr. Utsav Singh Bains, Advocate
for the appellant.

Dr. D.S. Lamba, Addl. A.G., Punjab and
Mr. G.S. Fateh, Sr. D.A.G., Punjab.

PARMOD GOYAL, J. (ORAL)

CM-4790-C-2026

This is an application for condonation of delay of 10 days in filing
the present appeal.

For the reasons mentioned in the application, the same is allowed
and the delay of 10 days in filing the present appeal, is hereby condoned.

Main Case

1. Present Regular Second Appeal has been preferred by appellant—
plaintiff being aggrieved by the dismissal of his suit, whereby he had sought a
declaration to the effect that Rapat No. 614 dated 05.01.2011 is wrong, illegal,
invalid, void, inoperative and not binding upon his rights, and that the suit
property be deemed to have been partitioned as per Rapat No. 175 dated
18.11.1998.

2. Both the Courts below, vide impugned judgments and decrees dated 23.11.2022 passed by the Civil Judge (Junior Division)-I, Kapurthala and dated 03.12.2025 passed by the Additional District Judge-I, Kapurthala, have concurrently held that no such declaration, as sought by the appellant–plaintiff, can be granted. It has been found that Rapat No. 614 dated 05.01.2011 merely reflects the fact that the earlier order dated 19.03.1998 passed by A.C. Ist Grade, Kapurthala, whereby partition had been effected, was set aside by the Appellate Authority i.e. SDM, Sultanpur Lodhi, vide order dated 31.05.2000. Consequently, the appellant–plaintiff was given liberty to avail his efficacious remedy before the Revenue Authorities.

3. The controversy involved in the present case is short and lies in a narrow compass. Admittedly, the appellant–plaintiff and defendant Nos. 4 to 13 are co-sharers in the suit property. A dispute had earlier arisen between the parties, leading to the filing of a civil suit, which was dismissed as withdrawn on the basis of a compromise vide order dated 06.02.1996. As per appellant–plaintiff, the issue regarding ownership/share stood settled through the said compromise, and thereafter, the parties approached the Revenue Authorities for partition of the suit property. The Revenue Authorities, vide order dated 19.03.1998 titled as ‘Jasjit Singh Vs. Joginder Singh, sanctioned the partition, and the same was reflected in the revenue record through Rapat No. 175 dated 18.11.1998. However, the said order dated 19.03.1998 was challenged by one of the co-sharers, and the Appellate Authority i.e. SDM, Sultanpur Lodhi, vide order dated 31.05.2000, set aside the partition order. Subsequently, on the basis of the aforesaid appellate order, Rapat No. 614 dated 05.01.2011 was entered in the revenue record, whereby Rapat No. 175 dated 18.11.1998 stood effectively

nullified. The present appellant–plaintiff is aggrieved by the recording of the said Rapat.

4. In view of the fact that the partition order dated 19.03.1998 already stood set aside by the competent Appellate Authority on 31.05.2000, the only remedy available to the co-sharers was to seek fresh partition before the Revenue Authorities. It is not disputed that, thereafter, no fresh partition has been effected between the parties. Thus, it is evident that Rapat No. 614 dated 05.01.2011 merely gives effect to the appellate order dated 31.05.2000 and correctly reflects the factual position in the revenue record. In the absence of any subsisting partition, the property continues to remain joint and is liable to be partitioned in accordance with law. No declaration, as sought by the appellant–plaintiff, can be granted by the Civil Court to set aside the order dated 31.05.2000 passed by the competent Revenue Appellate Authority, particularly in the absence of any material demonstrating that the said order suffers from illegality or is contrary to statutory provisions.

5. Accordingly, both the Courts below have rightly dismissed the suit as well as the first appeal, and no infirmity or illegality can be found in their approach.

6. However, the parties will be at liberty to approach the appropriate Competent Authority for seeking partition of the suit property in accordance with law. In case any such proceedings are pending or are initiated, the same shall be decided expeditiously.

7. The appeal stands dismissed with the aforesaid observations.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

08.04.2026

manoj

(PARMOD GOYAL)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No