



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

145

**RSA-3460-2023 (O&M)  
Date of decision : 22.09.2025**

**Gurdev Singh and another**

**..... Appellants**

**versus**

**Swaran Singh and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. G.S. Nagra, Advocate  
for the appellants.

Mr. Bikramjit Singh Baath, Advocate  
for respondent-caveator.

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**PANKAJ JAIN, J. (Oral)**

1. Defendants are in second appeal.
2. The subject matter of the suit property is Khewat No. 141/131, Khatoni number 168, Khasra number 30//4(5-19) situated at village Bara Badesh, Teshil Khamano, District Fatehgarh Sahib as per jamabandi for the year 2007-08.
3. Mr. Nagra has assailed the findings recorded by the Courts below while granting preliminary decree. He submits that the suit property having been described as Chahi, i.e. cultivable land which falls within the ambit of estate in terms of the provisions contained under Punjab Land Revenue Act, 1887, it is only the revenue authorities which will have jurisdiction to entertain the plea of partition and the jurisdiction of the Civil Court is completely barred under section 158(2) of 1887 Act.



4. *Per contra*, Mr. Baath has relied upon the cross examination of Gurdev Singh-appellant No.1, who admitted that the suit property is gair mumkin property.

5. Having heard counsel for the parties and after going through the records of the case, this Court finds that the *lis* relates to partition. Parties have already spent considerable time and resources on the same. Jointness is not in dispute. Thus instead of going into the issue of nature of land, it will be apt that the Civil Court be directed to take assistance and aid of a competent revenue officer at the time of drawing of final decree.

6. Both the counsels have not opposed the aforesaid proposal.

7. In view of above, the present appeal is disposed off. The preliminary decree is maintained. Civil Court is directed to take aid of a competent revenue officer not below the rank of kanungo at the time of drawing final decree, i.e. while drawing the mode of partition and for further proceedings.

8. Ordered accordingly.

**(PANKAJ JAIN)**  
**JUDGE**

**22.09.2025**

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No