



CR-499-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123)

CR-499-2025

Date of Decision: - 24.01.2025

Guraditta Singh @ Guranditta Singh and another

...Petitioners

Versus**Mewa Singh and others**

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Grover, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 18.10.2024 (Annexure P-4) passed by the Civil Judge (Junior Division), Bathinda, whereby application filed by the petitioners under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed.

2. Learned counsel for the petitioners has submitted that in the present case, the civil suit was barred by the provisions of Section 158(2) (xviii) of the Punjab Land Revenue Act, inasmuch as, the challenge was to the partition proceedings. It is further submitted that the said objection was specifically taken in the application under Order 7 Rule 11 CPC and has been perversely dealt with by the trial Court and the impugned order



deserves to be set aside and the application filed by the petitioners under Order 7 Rule 11 CPC deserves to be allowed and the plaint deserves to be rejected.

3. This Court has heard learned counsel for the petitioners and has perused the paper-book and finds that the impugned order has been rightly passed and the present revision petition, being meritless, deserves to be dismissed for the reasons detailed hereinafter.

4. It is not in dispute that in the civil suit, the plaintiffs/respondents No.1 to 7 have challenged the partition proceedings primarily on the ground that the same are in violation of the principles of natural justice and the proceedings have been carried out behind their back without affording any opportunity to the respondents No.1 to 7/plaintiffs of being heard and that they were wrongly proceeded against ex parte. It is further specifically averred in the plaint that the basic principles of natural justice have been ignored by the revenue authorities in finalizing the partition proceedings. On the aspect of there being violation of principles of natural justice and no due service, it has been averred that the plaintiffs were not properly served with the summons either through the ordinary process, registered cover or otherwise and even no Mustri Munadi had been effected in the village, rather a false report regarding the Mustri had been prepared. It was specifically stated in paragraph 6 of the plaint that it was only a few days prior to the date of the suit that plaintiffs learnt about the said partition proceedings, when the present petitioners made efforts to interfere in the peaceful possession



of the plaintiffs.

5. The application filed by the petitioners under Order 7 Rule 11 CPC was dismissed by the trial Court after observing that when a challenge is made to the partition proceedings on the ground of violation of principles of natural justice, then, the same cannot be stated to be hit by the provisions of Section 158(2)(xviii) of the Punjab Land Revenue Act as the question as to whether the plaintiffs were duly served or the entire proceedings were in violation of the principles of natural justice is a question which can be considered by the Civil Court.

6. A Co-ordinate Bench of this Court, ***vide judgment dated 19.07.2023*** passed in ***Civil Revision No.6186 of 2018*** titled as “***Joginder Singh Vs. Pritam Singh and others***”, in similar circumstances, wherein challenge was made to the partition proceeding and an objection was raised with respect to it being barred under Section 158(2) (xviii) of the Punjab Land Revenue Act, it had been observed that when there is violation of the principles of natural justice, then the same is one of the grounds on which the Civil Court can exercise its jurisdiction. The relevant portion of the said judgment is reproduced herein below: -

“xxx xxx xxx xxx

3. *The petitioner-defendant in the suit claims that the jurisdiction of the Civil Court is barred under Section 158(2) XVIII of the Punjab Land Revenue Act, 1887 (hereinafter referred to as the ‘1887 Act’). It is submitted that an order of partition of the property passed by the competent authority is sought to be challenged by filing the civil suit, is not permissible.*

xxx xxx xxx xxx



7. *The test which is required to be applied to reject the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908, is required to be construed very narrowly. Once a plaint is rejected, the suit comes to an end. In this situation unless the Court is in a position to record a categorical finding that the suit is not maintainable before the Civil Court, the plaint should not be rejected. **Violation of principles of natural justice is one of the ground on which the suit in the Civil Court can be filed to challenge the orders passed by the authorities under the Act.....***”

7. It is a matter of settled law that for the purpose of considering the application under Order 7 Rule 11 CPC only the pleadings in the plaint has to be seen and in the present case, as per the pleadings in the plaint, the orders passed in the partition proceedings were violative of the principles of natural justice and thus, it cannot be said that the Civil Court is barred from exercising its jurisdiction. Moreover, the trial Court has rightly observed that the question as to whether there was a violation of principles of natural justice is a disputed question of fact which would be finally adjudicated during the course of trial.

8. Additionally, it would be relevant to note that in the suit, the prayer for permanent injunction restraining the defendants from interfering in the peaceful possession of the plaintiffs has also been made and it also been stated that the plaintiffs have been given 9 marlas of land less than their shares in spite of the fact that there are registered sale deeds in favour of the plaintiffs which are several decades old and no challenge has been made to the said sale deeds. It is averred that the question of title has arisen and on the said aspect also the civil suit is

**CR-499-2025****-5-**

maintainable.

9. Keeping in view the above-said facts and circumstances, the impugned order is in accordance with law and deserves to be upheld and the present revision petition, being meritless, deserves to be dismissed and is accordingly dismissed.

10. Needless to say that the observations made by this Court would not be construed as a final expression on the merits of the case and the same are only made for the purpose of adjudication of the present revision petition.

January 24, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes