RSA-3427-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RSA-3427-2017.
Decided on: May 6, 2019.

Jiwani

.. Appellant

VERSUS

Amar Nath and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

*** * ***

PRESENT **Mr.Amit Kumar Goyal, Advocate,**
for the appellant.

AMIT RAWAL, J. (ORAL)

Appellant-plaintiff Jiwni had filed a civil suit claiming a decree for declaration to the effect that the impugned orders dated 9.11.2009, 5.2.2010 and 10.8.2010, are illegal, null and void ab initio and

not binding on the rights of the plaintiffs detailed in para no.9 and its sub clauses (a) to (d) of the plaint and further a decree for permanent injunction restraining the defendants permanently from changing the warabandi of the suit land till the final decision of the civil suit pending in the civil court of Sh.Amit Garg, learned Civil Judge (Junior Division), Kaithal.

Detailed para no.9 (a) – That the impugned orders are against the mandatory provisions of Haryana Canal and Drainage Act, 1974 and rule contained therein.

(b) That the impugned orders are against the principle of natural justice.

(c) That even the impugned orders of partition is void as fully detailed in the plain of civil suit pending in the Court of Sh.Amit Garg, learned Civil Judge (Junior Division), Kaithal.

(d) That the impugned orders are not sustainable from any point of law and facts.

Though issue No.4 was framed but the same was not decided having not been pressed.

This Court when confronted the counsel for the appellant with regard to the maintainability of the civil suit in view of the Haryana Canal and Drainage Act, 1974 and the rule contained therein, he could not dispute the same and conceded that the civil suit is not maintainable.

In view of the conceded position, the present regular second appeal is dismissed.

May 6, 2019. **(AMIT RAWAL)**
raj arora **JUDGE**

Whether speaking / reasoned Yes / No
Whether reportable Yes / No