

Angnu vs Mahabir And Anr. on 27 July, 1954

Equivalent citations: AIR1954ALL768, AIR 1954 ALLAHABAD 768

ORDER

1. This is a reference under Section 289 (2), U. P. Tenancy Act, by the Judicial Officer, sub-division Sidtiauli, through the Deputy Commissioner, Sitapur.
2. It appears that a suit for the possession of a plot of land, and for some other reliefs which included the removal of certain constructions standing on this plot and a permanent mandatory injunction to require the defendant to close a certain door and damages, was instituted in the Court of the Munsif, Sitapur.
3. The defendants contested the suit and also raised a plea of jurisdiction. This plea of jurisdiction found favour with the learned Munsif who ordered presentation of the plaint to the proper Court. Thereafter the plaint was presented in the Court of the Assistant Collector, first class. The learned Assistant Collector found that the suit did not lie in the Revenue Court and should have been instituted in the Court of the Munsif. He, therefore, made the reference, which is before us, through the Deputy Commissioner, Sitapur.
4. Both parties are represented in this reference and learned counsel concede that the proper forum for the suit was the Civil Court and not the Revenue Court. If a suit is brought in respect of an agricultural plot of land as also for the removal of constructions standing on it and for damages and also for an injunction, such a suit would evidently lie in the Civil Court. The Revenue Court is not competent to grant all the reliefs and if all the reliefs cannot be granted by the Revenue Court, the suit would lie only in the Civil Court. The view taken by the learned Assistant Collector appears to us to be correct.
5. We, therefore, direct that the plaint be returned by the Revenue Court for presentation to the Civil Court.