

**PART B**  
**JURISDICTION OF CIVIL AND REVENUE COURTS**

1. **Matter raised in defence which is solely triable by Revenue Court:-** If in a suit which, as framed, is within jurisdiction of a Civil Court, a defendant raises a plea with respect to a matter which can be taken cognizance of only by a Revenue Court the procedure laid down in the proviso to subsection (3) of Section 77 of the Punjab Tenancy Act must be followed and the plaint returned for presentation to the Collector.
2. **Suit for correction of entries in Revenue records:-** A civil suit will not lie for the correction of an entry in a Record of Rights, or Annual Record under section 158 (2) (vi). Any person however, considering himself aggrieved as to any right of which he is in possession by such an entry may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1877. (*Vide* Section 45 of Punjab Land Revenue Act).
3. **Question of title arising in land partition Proceedings before Revenue officers:-** A Civil Court can only entertain a suit relating to a dispute as to title in revenue-assessed land arising in partition proceedings, when a Revenue Officer declines to determine the question himself as though he were a civil court and refuses to proceed to partition until the question is determined by a competent Court. The plaint should, therefore, refer to the order of the Revenue Officer, made under Section 117, sub-section (1), of the Punjab Land Revenue Act, 1887, and the Civil Court should satisfy itself that an order giving it jurisdiction has been so made. A copy of such order should accompany to plaint.
4. **Reference to civil Court by revenue court:-** Section 98 of the Punjab Tenancy Act, 1887, contains a provision empowering a Revenue Court to refer any party to a Civil suit for settlement of any question which the Revenue Court considers proper for decision by a Civil Court. Such reference must be by an order in writing, and such order must have the previous sanction of the Controlling Revenue Court, if any.
5. **Reference to High Court in cases of doubt as to jurisdiction of civil or revenue court:-** Provision has been made for the disposal by reference to the High Court of cases in which doubts may arise as to whether the Civil or Revenue Courts have jurisdiction, and for the registration in the proper Court of decrees passed under a misapprehension as to jurisdiction by either a Revenue or a Civil Court. These provisions will be found in Sections 99 and 100 of the Punjab Tenancy Act: The rules under this head will be found in Chapter 15, References to the High Court.
6. **Succession to occupancy holding:- Suits** relating to succession to occupancy holdings, under Section 59 of the Punjab Tenancy Act, lie in the Civil Courts.
7. **Hadd Shikni cases:-** Hadd-Shikni cases are triable by Civil Courts. Section 158, sub-section 2 (1) of Punjab Land Revenue Act of 1887 does not apply to such cases. That section merely means that a Civil Court is not competent to question the decision of a Revenue Officer as to the delimitation, for the purposes of the Punjab Land Revenue Act, of land which is occupied as the site of a town or village and is not assessed to land revenue.

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