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# Civil Litigation in Punjab, India: Land Rights, Revenue Jurisdiction, Co-Ownership and Remedies under the Civil Justice Framework

**Manpreet**[1]

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## Abstract

Civil litigation in Punjab is shaped by the interaction between general civil procedure and a distinctive body of land and revenue law. Disputes over inheritance, co-sharership, partition, possession, agricultural land and revenue entries frequently require litigants to distinguish questions of title from matters assigned to revenue authorities. This article examines that boundary, focusing on the Code of Civil Procedure, 1908; the Punjab Courts Act, 1918; the Punjab Land Revenue Act, 1887; the Specific Relief Act, 1963; and the Limitation Act, 1963. It analyses the evidentiary significance of jamabandi, mutation and related revenue records; the legal position of co-sharers before and after partition; the choice between a civil suit and revenue proceedings; and the design of declaratory, possessory and injunctive remedies. It argues that effective civil justice in Punjab depends on identifying the true juridical dispute at the outset. Revenue entries are important evidence but ordinarily do not, by themselves, create or extinguish proprietary title. Conversely, a civil court should not assume jurisdiction over matters that legislation assigns exclusively to revenue officers. By combining statutory analysis with decisions of the Punjab and Haryana High Court, the article proposes a practical framework for pleading, evidence, limitation and remedial selection in Punjab property litigation.

**Keywords:** Punjab Civil Law; Land Revenue; Mutation; Co-Sharership; Partition; Civil Procedure; CPC

## 1. Introduction

Civil law in Punjab is not a single, self-contained code. Ordinary private-law claims are governed principally by central enactments, including the Code of Civil Procedure, 1908 (CPC), the Specific Relief Act, 1963, the Limitation Act, 1963, the Transfer of Property Act, 1882, the Registration Act, 1908 and applicable personal laws. At the same time, land disputes are affected by Punjab-specific legislation and the historical institutional division between civil courts and revenue officers. The Punjab Courts Act, 1918 structures aspects of the civil court system, while the Punjab Land Revenue Act, 1887 allocates particular functions concerning records-of-rights, mutation and partition to revenue authorities (Punjab Courts Act 1918; Punjab Land Revenue Act 1887).

[1] **University Institute of Legal Studies, Panjab University, Chandigarh, India.**



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The practical importance of this division is substantial. A dispute described by parties as one about a mutation may actually concern inheritance or ownership; a claim framed as an injunction may be ineffective if the claimant needs partition or a declaration of title; and a registered instrument may establish a transaction without resolving every question about the transferor's title or the rights of co-sharers. The legal character of the controversy, not the label used in a pleading, should determine the forum and relief.

This article concerns the Indian State of Punjab, not Pakistan's Punjab or the Union Territory of Chandigarh. It is doctrinal and practice-oriented. Its central proposition is that sound litigation requires a disciplined sequence: identify the right asserted, classify the question as one of title, possession, revenue administration or partition, select the proper forum, plead the complete relief, and prove the claim through legally relevant documents and testimony.

## 2. The Legal Architecture of Civil Justice in Punjab

The CPC supplies the general procedural framework for institution and conduct of civil suits, joinder of parties, pleadings, interim relief, trial, decrees and appeals. Its rules on jurisdiction, cause of action, framing of suits, res judicata and execution are especially important in land disputes, where successive proceedings may otherwise arise from the same underlying conflict. Order II Rule 2 requires a plaintiff, subject to its terms and exceptions, to include the whole claim arising from a cause of action and addresses omission of reliefs. It reinforces the need to consider declaration, possession, partition, cancellation and injunction together where the facts and law require them (Code of Civil Procedure 1908).

The Punjab Courts Act, 1918 remains a significant state-specific enactment concerning the constitution and jurisdiction of courts. The applicable court, pecuniary jurisdiction, territorial jurisdiction and appellate route must be verified against the current statutory text, amendments, notifications and relevant High Court rules. The fact that property is located in Punjab does not alone answer every jurisdictional question: the nature of the suit, value of the subject matter, location of the property and any special statutory allocation must all be considered.

The Specific Relief Act governs important remedial questions, including declarations, specific performance and injunctions. The Limitation Act supplies the applicable limitation periods, which vary by the nature of the claim and the facts giving rise to it. Neither should be treated as secondary. A substantively strong property claim can fail if the claimant chooses a legally inadequate remedy or institutes proceedings outside the applicable limitation period (Specific Relief Act 1963; Limitation Act 1963).

## 3. Civil Courts and Revenue Authorities: Drawing the Jurisdictional Line

The Punjab Land Revenue Act, 1887 is central to land records and revenue partition. Section 158 excludes civil-court jurisdiction in specified matters entrusted by the Act to the State Government or revenue officers. Its listed subjects include matters concerning the framing or correction of revenue records, certain questions arising in revenue partition and other functions expressly



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allocated to revenue administration. The provision must be read as a statutory allocation of jurisdiction, not as a universal bar to civil adjudication of every dispute involving land.

The critical distinction is between a matter that the statute authorises a revenue officer to decide and a genuine dispute over civil title. A request to correct a record entry may fall within the revenue framework; a contest about whether a claimant inherited ownership, whether a will is valid, or whether a conveyance transferred the disputed interest may raise a civil question requiring adjudication by a competent civil court. The precise answer depends on the relief sought, the relevant statutory provisions and the nature of the dispute. Pleadings should explain why the selected forum has jurisdiction and should avoid asking one forum to exercise a power reserved to another.

In Shamsher Singh v Commissioner, Patiala Division, the Punjab and Haryana High Court emphasised the risk of pursuing contested mutation proceedings through multiple revenue levels when the real controversy is title and a civil suit is pending. It observed that, in the circumstances considered, mutation proceedings should await the civil court's determination, after which the revenue record could be aligned with the outcome. The decision is best understood as a warning against duplicative litigation, rather than a rule that every mutation dispute must automatically be stayed (Shamsher Singh v Commissioner, Patiala Division).

A practical jurisdictional analysis should ask: (1) what right is disputed; (2) what order is sought; (3) whether the governing enactment assigns that order to a revenue officer; (4) whether deciding the claim requires adjudication of proprietary title; and (5) whether a special statutory bar or remedy applies. If title and revenue administration overlap, parties should plead the distinction expressly and consider whether coordinated proceedings or a stay is appropriate.

## 4. Revenue Records, Mutation and Proof of Title

Punjab land litigation frequently relies on jamabandi, mutation entries, khasra girdawari, field maps, registered deeds, inheritance documents and revenue orders. These materials are not interchangeable. A jamabandi may show recorded ownership or possession as reflected in the relevant record; a mutation records a change for revenue purposes; khasra girdawari may be relevant to cultivation or possession; and a registered conveyance records a transaction subject to the legal limits of the instrument and the transferor's interest.

A mutation entry does not, merely by being entered or sanctioned, create or extinguish title. It may be relevant evidence of an asserted transaction, succession or state of possession, but its weight depends on the circumstances and underlying documents. The civil court must evaluate the complete evidentiary record rather than treating a revenue entry as conclusive proof of ownership. Equally, revenue records should not be disregarded: where properly proved, they can corroborate the history of possession, parties' conduct, a prior partition or the identity of the land.

The High Court's decision in Shamsher Singh illustrates that revenue proceedings should not become a substitute for deciding a genuine title dispute. Rojdar v Suleman (2026) illustrates the distinction between a mutation as an independent source of title and a mutation relied on as corroborative evidence of an earlier partition. Because recent case reporting and subsequent



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treatment must be checked before citation in litigation, practitioners should verify the official judgment, neutral citation and procedural history before relying on it.

A careful evidentiary bundle should ordinarily include certified copies of relevant revenue records for the material years, the mutation order and its stated basis, registered deeds and registration particulars, inheritance or succession documents, maps identifying the land, evidence of possession and cultivation, and any prior partition order or sanad taksim. Where a party alleges fraud, impersonation, a fabricated family settlement or a forged will, the pleading should identify the specific act alleged and the evidence relied upon; broad allegations of fraud are not a substitute for particulars and proof.

## 5. Co-Sharership, Joint Possession and Partition

Co-sharership is a recurring source of litigation in Punjab, particularly where agricultural holdings pass by inheritance or are transferred to purchasers while remaining undivided. A co-sharer ordinarily holds an undivided interest in the joint property. Physical occupation of a particular portion does not necessarily mean that the portion has become the occupant's exclusive property in law. The consequences depend on the nature of the property, the parties' rights, evidence of an effective partition and whether the conduct of one co-sharer amounts to actionable exclusion or injury to the others.

The Full Bench decision in Bhartu v Ram Sarup is regularly cited by the Punjab and Haryana High Court for principles governing co-sharers and joint land. A proposition associated with this line of authority is that a co-sharer in exclusive possession of a portion of joint land is generally treated as possessing it on behalf of all co-sharers, subject to the rights of the others and the legal consequences of partition. Later cases apply the principle contextually; it should not be converted into an absolute immunity for any conduct by a co-sharer.

A co-sharer may transfer an undivided share, but a purchaser ordinarily acquires the transferor's rights subject to the incidents of joint ownership and eventual partition. The deed's description of particular khasra numbers does not, by itself, guarantee that those exact parcels will fall to the purchaser at partition. A civil court should distinguish a transfer of an undivided share from an effective division of the joint holding, and examine whether a family settlement or private partition was legally effective, acted upon and sufficiently proved.

A partition claim should identify the joint property, each party's asserted share, the source of title, the status of any previous partition and the form of separate possession sought. For agricultural land governed by the revenue statute, statutory partition proceedings may be the appropriate route for division of the holding, subject to the statute's allocation of title questions and jurisdiction. If the parties genuinely dispute the shares or ownership itself, a civil determination may be required before or alongside the revenue process, depending on the applicable law and procedural posture.

## 6. Injunctions Between Co-Sharers: Remedy Must Match the Right



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Injunction suits are attractive because they appear quicker than partition proceedings. But a bare suit for permanent injunction may be inadequate where the claimant's true grievance is that joint property has not been divided and the claimant seeks to secure a particular portion permanently. Section 41(h) of the Specific Relief Act addresses cases in which an equally efficacious remedy can certainly be obtained by another usual mode of proceeding, subject to the provision's terms. Whether partition is an efficacious alternative depends on the facts and relief actually needed; it is not a mechanical answer in every case.

In Tarlok Singh v Rajni, the Punjab and Haryana High Court considered a co-sharer dispute concerning construction on joint land and discussed the availability of partition as an efficacious remedy. On the facts before it, the court held that the bare injunction suit was not maintainable in the circumstances described, given the availability of partition. The case demonstrates the importance of selecting a remedy that resolves the underlying property relationship rather than merely restraining one act while leaving ownership and allocation unsettled (Tarlok Singh v Rajni, 2022).

This does not mean that one co-sharer can never obtain an injunction against another. Relief may be justified where there is a legally cognisable threat of forcible dispossession, destruction, unlawful exclusion, injury to common property or conduct prejudicing the rights of other co-sharers beyond ordinary use. The court must assess the nature of the property, possession proved, extent of the threatened act, availability of another remedy and statutory tests for interim and permanent relief.

For temporary injunctions, Order XXXIX Rules 1 and 2 CPC are ordinarily relevant. The familiar considerations are a prima facie case, balance of convenience and irreparable injury. These are evaluative requirements, not substitutes for proving jurisdiction, possession or the legal right asserted. A plaint and injunction application should describe the threatened act with specificity, identify the property precisely, explain why damages or partition would not provide adequate immediate protection, and disclose material facts—including adverse revenue entries, previous proceedings and prior transfers.

## 7. Declaratory Relief, Cancellation and Specific Performance

Section 34 of the Specific Relief Act permits a person entitled to a legal character or a right as to property to seek a declaration against a person denying, or interested to deny, that title or right, subject to statutory conditions and the proviso concerning further relief. A plaintiff who is out of possession should consider whether possession must also be claimed. A declaration alone may be insufficient where consequential relief is available and necessary. Conversely, a declaration may be appropriate where the dispute is genuinely about legal status or title and no further relief is required on the facts.

A challenge to a sale deed, gift deed, will or family settlement requires precise characterisation. The claimant may contend that an instrument is void, voidable, forged, obtained by fraud, executed without authority or ineffective against the claimant's share. The proper relief—declaration, cancellation, possession, partition or injunction—depends on the claimant's legal



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position, the nature of the instrument and applicable law. Court-fee and limitation consequences may also differ according to the relief and the party's status in relation to the instrument. These questions should be researched on the precise pleadings rather than resolved through a generic formula.

Specific performance of an agreement to sell is governed by the Specific Relief Act as amended, together with contractual principles and limitation rules. The plaintiff must plead and prove the agreement, readiness and willingness where legally required, and compliance with the applicable limitation period. In agricultural and co-owned property disputes, the court may also need to consider whether the contracting party could convey the promised interest, whether third-party rights have intervened, and whether the agreement concerns an undivided share or a defined parcel.

## 8. Limitation, Cause of Action and Procedural Discipline

Limitation is claim-specific. The relevant starting point may turn on the date of the transaction, knowledge of facts entitling the plaintiff to seek relief, dispossession, refusal to perform a contract, denial of title or another event specified by the applicable article of the Limitation Act. It is unsafe to assume that a property dispute is timeless because the claimant alleges continuing ownership. Nor should the date of a mutation automatically be treated as the date on which every civil cause of action arose.

A plaint should state material facts showing when and how the right was infringed, when the plaintiff first had legally relevant knowledge (where relevant), the steps taken thereafter and the basis for the relief sought. If fraud, concealment, acknowledgment, disability or exclusion from possession is relied upon to affect limitation, the relevant facts should be pleaded and proved. The legal consequences of joint possession, ouster and adverse possession are fact-sensitive and should not be reduced to a simple rule that the passage of time either always does or never does extinguish a claim.

Procedural discipline also requires attention to res judicata, constructive res judicata, Order II Rule 2 CPC, necessary parties and the binding effect of earlier decrees. A family property dispute may involve multiple generations, transfers and previous proceedings. Before filing, counsel should obtain available pleadings, judgments, decrees, appeals and execution records. Failure to disclose earlier litigation can damage credibility and may produce avoidable objections or inconsistent outcomes.

## 9. Evidence and Trial Strategy in Punjab Property Litigation

Documentary evidence is often decisive, but the documents must be tied to the legal issues. A title chain should be reconstructed chronologically, distinguishing registered conveyances from revenue entries and private writings. Each document should be assessed for execution, registration where required, admissibility, proof, authority of the maker and connection to the precise land in dispute. Certified revenue records should be matched against village, hadbast number, khewat, khatauni, khasra numbers, area and boundaries to avoid ambiguity about identity.



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Oral evidence can explain possession, family arrangements, cultivation, payment, delivery of possession and the parties' conduct, but it should be tested against contemporaneous records. Where a family settlement is alleged, the court will need to consider its terms, whether it was oral or written, whether the writing itself creates or declares rights, whether registration is required, whether the settlement was acted upon, and whether witnesses and surrounding conduct support it. A memorandum of a past arrangement may raise different issues from an instrument that itself effects the arrangement.

The issues framed at trial should mirror the real dispute: title and share; validity or effect of the instrument; possession; prior partition; limitation; jurisdiction; maintainability; entitlement to declaration, partition, possession or injunction; and any counterclaim. Evidence should be organised around those issues. A case that treats every revenue entry as conclusive, or presents an undifferentiated bundle of records without linking them to pleaded title, risks obscuring the decisive question.

## 10. Appeals, Execution and the Need for Finality

A decree is not the end of effective civil justice if it cannot be executed. Relief should be framed in terms that can be implemented: the property must be identifiable, obligations of each party must be clear, and consequential directions should be legally within the court's power. In partition matters, the route from declaration of shares to actual division and delivery of separate possession must be understood from the applicable civil or revenue procedure. A declaration does not automatically change possession or every revenue entry without necessary consequential steps.

Appeal rights and standards depend on the nature of the decree or order and the governing enactment. The CPC provides the general appellate framework, while the Punjab Courts Act and applicable High Court rules may affect the forum or route. The exact text in force should be checked, particularly where amendments or special statutory provisions apply. A second appeal is not simply a second trial; the statutory requirements and nature of the alleged legal error must be analysed before filing.

Finality also requires coordination between civil decrees and revenue administration. Where a civil court finally determines title or inheritance, parties may need to place the decree before the competent revenue authority to secure consequential correction of the record. Conversely, an administrative entry should not be mistaken for a substitute for a civil decree where the dispute requires adjudication of title. Clear communication between the procedural tracks can reduce repeated proceedings and inconsistent records.

## 11. A Practical Framework for Selecting the Proper Proceeding

Before instituting a Punjab land or property case, counsel should work through the following sequence:

1. Identify the right: ownership, inheritance, contractual entitlement, possession, co-sharer status or a right to partition.



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2. Identify the disputed act: mutation, execution of a deed, denial of share, dispossession, threatened construction, refusal to complete a sale or obstruction of access.
3. Select the forum by examining the exact statutory power and any express bar on civil jurisdiction; do not infer jurisdiction solely from the fact that land records are involved.
4. Choose complete and coherent relief: declaration, possession, partition, cancellation or declaration concerning an instrument, specific performance, injunction, or a combination permitted by law.
5. Check limitation, court fee, valuation, territorial and pecuniary jurisdiction, necessary parties, prior proceedings and the effect of any earlier decree.
6. Build evidence around the legal issues, using certified records and primary title documents while treating revenue entries according to their proper evidentiary role.
7. Plan implementation from the outset: execution, partition implementation, delivery of possession and any consequential revenue-record action.

## 12. Conclusion

Civil litigation in Punjab illustrates the importance of matching substantive rights to the correct forum and remedy. The land-revenue system supplies essential records and procedures, but it does not erase the distinction between administrative entries and proprietary title. Civil courts, in turn, must respect statutory limits on their jurisdiction while remaining available to determine genuine disputes over ownership, inheritance, contractual rights and possession. The most difficult cases often arise not because the law provides no remedy, but because the dispute is framed as a narrow mutation or injunction issue when the real controversy concerns title, co-ownership or partition.

A principled approach therefore begins with jurisdiction and remedy, not merely with the document most convenient to challenge. Revenue records should be used as evidence in context; partition should be considered where the true objective is separation of an undivided share; injunctions should be sought where they protect a legally cognisable right and are not displaced by an equally efficacious remedy; and limitation and prior proceedings should be analysed before pleadings are settled. These practices can improve consistency, reduce duplicative litigation and make civil decrees more effective in the everyday property disputes that occupy a substantial part of Punjab's civil justice system.

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