

Raghunath (dead) by Lrs.

Vs

Kanhiya (dead) by Lrs.

Civil Appeal No. 1476 of 1968

(A.C. Gupta, P.S. Kailasam JJ)

24.07.1979

JUDGMENT

GUPTA, J. –

This is a plaintiff's appeal. The only question for consideration here is whether the suit is barred by the proviso of the Madhya Bharat Abolition of Jagirs Act. In the suit the plaintiff sought to have a declaration that the order of the Tehsildar, which was affirmed by the Collector, holding that the defendant was a 'pacca Krishak' was invalid. The trial Court held that the suit was barred and rejected the plaint. The first appellate Court was of the view that the suit was maintainable and remanded it to the trial Court for hearing on the merits. The High Court on a consideration of the language of Section 34 of the aforesaid Act held that the suit was barred and the order of the Tehsildar could not be challenged in the Civil Court except on the ground that it was a nullity. We find no reason to differ from the view taken by the High Court. The appeal is accordingly dismissed. There will be no order as to costs in this appeal.

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