



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**I. RSA No. 4175 of 2025(O&M)**

**Anil Kumar**

**...Appellant**

Versus

Amrik Singh & Ors.

...Respondents

**II. RSA No. 4231 of 2025 (O&M)**

**Parveen Rani**

**...Appellant**

Versus

Amrik Singh & Ors

...Respondents

**Reserved on: 13.02.2026**

**Pronounced on: 16.02.2026**

**Pronounced fully/ operative part: Fully**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Argued by:-** Mr. Piyush Setia, Advocate  
For the appellant in RSA 4175 of 2025.

Mr. Rajesh Narang, Advocate and  
Mr. Abhinav Narang, Advocate  
For appellant in RSA 4231 of 2025.

Mr. Sandeep Jasuja, Advocate  
For the respondents.

**DEEPAK GUPTA, J.**

This order shall dispose of two Regular Second Appeals, as both arise out of the same judgment & decree dated 11.09.2025 passed by the learned First Appellate Court, whereby the suit filed by the plaintiffs for recovery of damages/compensation was decreed, after reversing the dismissal recorded by the learned trial Court on 27.07.2023. For the sake of clarity, parties are referred to as per their status before the trial Court.



2. Trial court record called & perused. To avoid confusion, parties shall be referred as per their status before trial court.

3. The admitted factual position is that the plaintiffs purchased agricultural land measuring 66 kanals 18 marlas vide sale deed dated 12.03.2012 and further land measuring 112 kanals vide sale deed No.303 dated 27.08.2012 from their respective vendors. It is equally undisputed that at the time of purchase, the defendants were in possession of the suit land. The grievance of the plaintiffs was that despite having purchased the land for a valuable consideration, they were unable to enjoy possession thereof for several years on account of the defendants' continued occupation and the pendency of litigation initiated at their instance. Possession was ultimately delivered on 22.01.2018. Alleging that they had been wrongfully deprived of cultivating their agricultural land and had thus suffered financial loss, the plaintiffs instituted the present suit on 19.03.2019 seeking compensation along with interest.

4. The defendants contested the suit primarily on the ground that the Civil Court lacked jurisdiction in view of Sections 14 and 77 of the Punjab Tenancy Act, 1887, the dispute being one relating to occupation of agricultural land and recovery of money for use and occupation thereof. It was further pleaded that even otherwise the claim was barred by limitation as prescribed under Section 77(5) of the Act.

5. Upon framing of issues and appreciation of evidence led by parties, the learned trial Court held that the claim, in substance, was one for compensation for use and occupation of agricultural land by persons in unauthorized possession. Relying upon Section 14 read with Section 77(3), Third Group clause (n) of the Punjab Tenancy Act, it was concluded that such a claim is exclusively triable by the Revenue Court and that the jurisdiction of the Civil Court is expressly barred. The trial Court also noticed that the limitation prescribed for such a claim before the Revenue Court is one year and observed that even on that count the claim appeared to be time-barred. Consequently, the suit was dismissed.



6. In appeal, the learned First Appellate Court reversed the aforesaid finding by observing that the plaintiffs were not claiming *batai* or share in crop but compensation for monetary loss and mental harassment. Holding that Section 77 had been wrongly interpreted by the trial Court, it decreed the suit partly and awarded compensation at the rate of ₹20,000/- per killa with interest @ 6% per annum.

7. Having considered submissions of learned counsel for the parties and perusing the record, this Court is of the considered view that the approach adopted by the trial Court was in consonance with the statutory scheme and binding precedent, whereas the First Appellate Court misdirected itself in law.

8. Section 14 of the Punjab Tenancy Act makes any person in possession of land without the consent of the landlord liable to pay for the use or occupation of that land at the rate of rent payable in the preceding agricultural year, or at such rate as the Court may determine. Section 77(3) categorically provides that the suits mentioned therein shall be instituted in and heard by Revenue Courts and that no other Court shall take cognizance of any dispute with respect to which such suit might be instituted. Third Group clause (n) specifically includes suits for sums recoverable under Section 14.

9. The language employed in Section 77(3) is peremptory and creates an express bar on the jurisdiction of the Civil Court in respect of matters falling within its ambit. The determinative factor, therefore, is the true nature of the relief claimed.

10. A reading of the plaint makes it evident that the plaintiffs sought compensation on account of their inability to cultivate the agricultural land during the period of the defendants' occupation. The foundation of the claim is deprivation of use and occupation of agricultural land. Though during arguments, it was suggested that damages were also claimed for physical and mental loss, the relief clause does not disclose any independent cause of action in tort divorced from the occupation of agricultural land. The claim is intrinsically linked to wrongful possession and loss of agricultural use.



11. The question whether a suit for mesne profits or compensation against a person in unauthorized possession of agricultural land is triable by the Civil Court is no longer *res integra*. A Division Bench of this Court in ***Pritam Singh v. Mehal Singh, 1986 RRR 574*** has authoritatively held that the expression “landlord” in Section 14 must be understood in the sense of landowner and that a suit by an owner for recovery of mesne profits against a person in wrongful possession is covered by Section 14 and consequently triable exclusively by the Revenue Court under Section 77(3)(n). The earlier contrary view was expressly overruled. The same principle has been reiterated in ***Mandir Maharaj Jagan Nath Puri, Ladwa v. Man Singh; S. Palwinder Singh Vs. Guru Granth Sahib, 2010(11) RCR(Civil) 66***; and ***Ram Karan Vs. The Financial Commissioner & Ors. 1980 PLJ 295***.

12. In view of the above authoritative pronouncements, the mere characterization of the claim as “damages” cannot alter its essential character. What cannot be done directly cannot be permitted to be achieved indirectly by clever drafting. If the substance of the claim is recovery of money for use and occupation of agricultural land, the jurisdiction of the Civil Court stands excluded.

13. The learned First Appellate Court, while reversing the trial Court, did not advert to the binding Division Bench judgment nor examined the statutory bar in its correct perspective. The reversal thus rests on an erroneous understanding of the scope of Sections 14 and 77 of the Act and amounts to a substantial misapplication of law.

14. It may be observed that the question of jurisdiction under a special statute, once settled by binding precedent of a Division Bench, leaves little room for interpretative deviation. The Hon’ble Supreme Court has repeatedly held that interference with concurrent or well-founded findings is not warranted unless such findings are shown to be perverse or based on a substantial misapplication of law.



15. In the present case, the trial Court had correctly applied the statutory bar as interpreted by binding authority. The First Appellate Court's departure therefrom was legally unsustainable. This Court, therefore, has merely restored the position in accordance with settled law, and no substantial question of law survives beyond the jurisdictional issue addressed herein.

16. For the foregoing reasons, the judgment and decree dated 11.09.2025 passed by the learned First Appellate Court cannot be sustained and are hereby set aside. The judgment and decree dated 27.07.2023 passed by the learned trial Court dismissing the suit are restored. Both the Regular Second Appeals are accordingly allowed.

Misc. Applications, if any stand disposed of.

**(DEEPAK GUPTA)**  
**JUDGE**

**16.02.2026**

*Jiten*

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

**Uploaded on : February 16, 2026**