

Civil suit and revenue courts – U.P. Zamindari Abolition And Land Reforms Act, 1951, Section 331 – Cognisance of suits – Exclusion of the jurisdiction of civil court – Distinction between the suits cognizable by the civil court and the cases where Revenue Court has exclusive jurisdiction – Statutory provisions ousting the jurisdiction of the civil court need to be strictly construed – Void document – Suit for cancellation of the document in civil court not barred. *Held*, It is settled law that the exclusion of the jurisdiction of the Civil Court is not to be readily inferred, but that such exclusion must either be explicitly expressed or clearly implied. The provisions of a law which seek to oust the jurisdiction of Civil – Court needs to be strictly construed, Section 331 of the Act has been the subject of series of pronouncements of the High Court as to the circumstances and the nature of the suits in which its exclusionary effect operates. Distinction was sought to be drawn between the class of cases where the binding effect of a deed had to be got rid-of by an appropriate adjudication on the one hand and the class of cases in which a transaction could be said to be void in law where what the law holds to be void, there is nothing to cancel or set aside on the other. In the former case, it was held, a suit was cognisable by the Civil-Court while in the latter, it was not, it being open to the statutory authority to take note of the legal incidents of what was non est.

2019 PLRonline 3028

Bismillah v. Janeshwar Prasad , 2019 PLRonline 3028 , (1990) 1 SCC 207 , AIR 1990 SC 540,