JUDGMENT SHEET
IN THE COURT OF MEMBER-V, BOARD OF REVENUE, JUD-III, KHYBER PAKHTUNKHWA

FARID KHAN — **PETITIONERS**

VERSUS

REYATH KHAN — **RESPONDENTS**

Case No. 54/MBR-V/2026

Date of Institution; 06.01.2026

Date of Decision; 03.11.2026

APPEAL AGAINST THE ORDER OF ADDITIONAL COMMISSIONER KOHAT DATED 20.11.2025

This order shall dispose of above-mentioned appeal filed by appellant against the impugned order of Additional Commissioner Kohat, dated 20.11.2025 vide which revision of appellant was dismissed and orders of ADC Kohat and AAC-III Kohat were maintained whereby, mode of partition was adopted.

Facts of the case are that respondent filed application for partition u/s-135 of the Land Revenue Act before the court of AC-III, Kohat in respect of suit land mentioned in partition application, situated in Mouza ShaPur. Mode of partition was adopted on 04.02.2025 when no one filed objections. Appeal and revision of appellant were concurrently dismissed by ADC Kohat on 29.04.2025 and by Additional Commissioner Kohat vide impugned order, dated 20.11.2025. Therefore, appellant preferred this appeal though second revision was competent.

I have heard in detail learned counsels for parties and perused record of the case.

Nasim Akhtar
Member Board of Revenue

The main contention of learned counsel for appellant is that suit land is purchased property of petitioner and respondent has no right in it. That appellant worked abroad and earned money to purchase suit land.

On the contrary learned counsel for respondent vehemently opposed the stance and averred that parties are inter se brothers and belong to common deceased predecessor Purdul Khan. That suit land is inherited legacy and it has now devolved upon parties and parties are recorded co sharers. That every co sharer is having right u/s-135 of the Land Revenue Act to separate his due recorded

CamScanner

share. That claim of appellant is mere oral bald assertion. That suit land was never purchased by appellant. That partition was sanctioned and mutation No. 4608 was attested on 04.02.2025 and it is now closed and passed transaction and beyond interference. That subordinate revenue courts have correctly and concurrently dismissed plea of appellants through speaking orders having no legal infirmity.

From the valuable arguments of learned counsels for parties and record of the case it is evident that parties are brothers inter se and belong to common deceased predecessor Purdul Khan. Record reveals that suit land devolved upon Lrs of deceased predecessor and respondent filed application for partition to separate his recorded share. Appellant resisted it and claimed suit land to be his purchased property.

The AAC -III Kohat on 04.12.2024 after fulfilling legal requirements and hearing to parties sanctioned partition and partition mutation No. 4608 was attested on 04.02.2025. Record shows that appellant filed objections on 13.11.2024 and he fully participated in partition proceedings and he was fully heard.

Aggrieved of this order appellant filed appeal before the court of ADC Kohat and it was declined vide order, dated 29.04.2025 with findings that appeal carries no substance.

Still aggrieved appellant filed revision before the court of Additional Commissioner Kohat and it was also turned down vide impugned order, dated 20.11.2025 with observations that sufficient opportunity of hearing was afforded to appellant.

Nazim Akhtar
Member Board of Revenue -V
Khyber Pakhtunkhwa, Peshawar

Appellant has filed appeal against concurrent orders of three subordinate Revenue Courts and u/s-161 of the Land Revenue Act he has availed the remedy of filing appeal before the court of ADC Kohat already. U/s-164 of the Ibid Act he has also exhausted remedy of revision before the court of Additional Commissioner Kohat but he filed appeal before this court. This court is restrained to exercise jurisdiction because no question of law is involved and the impugned orders are concurrent. In such scenario this appeal is not maintainable. The appeal consists of one page in the shape of application and there are no ground and prayers.

Apart from point of maintainability on merits too the position of appellant is vulnerable. He claims to have purchased suit land but there is no mutation or registered deed to substantiate the claim. Suit land being inherited property has devolved upon parties and they are recorded co sharers. Presumption of correctness is attached to Revenue Record u/s-52 of the Land Revenue Act.

CamScanner

Any co sharer can file application for partition u/s-135 of the Ibid Act and it cannot be denied on the basis of bald oral assertion of purchase. Parties are inter se brothers and appellant is resisting fair and just partition on alleged claim of purchase not backed by any evidence.

In such situation this appeal having no merits is dismissed with cost of Rs. 5000/=. There is no legal infirmity in the impugned order of Additional Commissioner Kohat, dated 20.11.2025 and same is maintained.

Order Announced

Dated 03.11.2026

(NAEEM AKHTAR)
Member-V, Board of Revenue
Naeem Akhtar
Member Board of Revenue-V
Khyber Pakhtunkhwa, Peshawar

Certified that this judgment consists of three pages & each page duly signed by the undersigned.

(NAEEM AKHTAR)
Member-V, Board of Revenue
Naeem Akhtar
Member Board of Revenue-V
Khyber Pakhtunkhwa, Peshawar

CamScanner