

**IN THE BOARD OF REVENUE FOR RAJASTHAN,**  
**AJMER**

**Revision/TA/2299/2016/Nagaur.**

Bhanwar Lal son of Gokal Ram caste Nayak resident of  
Khatukhurd Tehsil Deedwana Distt. Nagaur.

...Petitioner.

Versus

1. Sampat Singh son of Bhanwar Singh caste Rajput resident of  
Khatukhurd Tehsil Deedwana Distt. Nagaur.
2. Ramkaran son of Mohan Lal caste Jat resident of Badabara  
Tehsil Deedwana Distt. Nagaur.
3. Mukesh Gehlot son of Ramnarain caste Mali resident of  
Khatukhurd Tehsil Deedwana Distt. Nagaur.
4. Sheru Devi daughter of Gokal Ram
5. Parema Devi daughter of Gokal Ram
6. Kiran Devi daughter of Gokal Ram  
All by caste Nayak residents of Khatukhurd Tehsil Deedwana  
Distt. Nagaur.
7. Tehsildar, Deedwana Distt. Nagaur.

...Non-petitioners.

**S.B.**  
**Shri Ravi Dangi, Member**

Present:-

Shri Rakesh Arora, counsel for the petitioner.

Shri Raghvendra Singh Ranawat, counsel for the non-petitioners  
No. 1 to 3.

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Date:04.3.2022

**J U D G M E N T**

This revision petition has been filed under section 230 read with section 221 of the Rajasthan Tenancy Act, 1955 against the order dated 25.8.2015 passed by Revenue Appellate Authority, Ajmer in appeal No. 76/2015.

2. Heard the learned counsels of the main contending parties.

3. Counsel for the petitioner while reiterating the facts mentioned in the memo of revision argued that the appeal filed before the learned first appellate court was time barred and as per

the provisions of the Civil Procedure Code, the appellate court is to first decide the issue of limitation. Without deciding the issue of limitation, learned first appellate court was not competent to pass an order to stay operation and effect of the decree in the appeal. He further contended that the non-petitioner No.1/ appellant before the first appellate court was not an aggrieved party even then learned first appellate court without passing any order on the application under section 96 of the Civil Procedure Code, passed the stay order which is illegal. Lastly, he prayed for accepting the revision.

4. *Per contra*, counsel for the non-petitioner No. 1 contended that the impugned order passed by the learned Revenue Appellate Authority is just and proper and as per the law. Therefore, the revision in hand deserves to be rejected.

5. Considered the contentions raised by the learned counsels of the parties and carefully perused the material available on record.

6. To begin with a revenue suit under section 88 of the Rajasthan Tenancy Act read with section 136 of the Rajasthan Land Revenue Act, 1956 was filed by Bhanwar Lal son of Gokal Ram/ petitioner before the learned Assistant Collector, Deedwana against non-petitioners No. 4 to 7. Non-petitioners No. 4 to 6 filed admitted written statement and non-petitioner No. 7 being ex-parte, the suit was decreed on 22.12.2014. Aggrieved by the judgment dated 22.12.2014, Sampat Singh son of Bhanwar Singh/ non-petitioner No. 1 filed an appeal before the learned Revenue Appellate Authority, Ajmer taking recourse to section 96 of the Civil Procedure Code and section 5 of the Limitation Act. Vide order dated 25.8.2015, the learned Revenue Appellate Authority in the appeal, under Order 41 Rule 5 of the Civil Procedure Code ex-parte stayed the operation of the judgment and decree dated 22.12.2014 and ordered to maintain the status quo of the mauka and record. Aggrieved by the order dated 25.8.2015 of the learned Revenue

Appellate Authority, Bhanwar Lal/ petitioner filed a revision before the Board bearing No. 2016/2299, in which vide interim order dated 11.4.2016, the operation and execution of the impugned order of Revenue Appellate Authority, Ajmer was stayed. Mukesh Gehlot/ present non-petitioner No. 3 moved a writ petition before the Hon'ble Rajasthan High Court, Jodhpur being SBCWP No. 667/2018. Vide the order of the Hon'ble Rajasthan High Court dated 7.12.2021, the following order was passed:-

“In view of the above, the present petition is disposed of while directing the learned Board of Revenue for Rajasthan at Ajmer to decide the revenue revision petition No. 2299/2016 on merits, preferably within a period of three months from the date of receipt of certified copy of this order, strictly in accordance with law. The interim order dated 17.1.2018 passed by this court, restraining the parties from alienating the disputed land, shall remain in currency for next three months.

Stay petition as well as all pending application also stand disposed of accordingly”.

Bhanwar Lal had filed the suit against his three sisters before the learned Assistant Collector, Deedwana, who had filed an admitted written statement in favour of Bhanwar Lal. However, Sampat Singh has claimed to be an aggrieved/ effected party and on knowledge had filed the appeal before the learned Revenue Appellate Authority, Ajmer. An interim order dated 25.8.2015 was passed keeping applications under section 96 of the Civil Procedure Code and section 5 of the Limitation Act in abeyance, however, the appeal under section 223 of the Rajasthan Tenancy Act is still pending before the learned Revenue Appellate Authority, Ajmer which awaits decision. This revision is against the interim order dated 25.8.2015. Thus, looking to the facts and circumstances and in the interest of justice and looking to the directions of the Hon'ble

Rajasthan High Court, the revision is partly allowed and the matter is remanded to the learned Revenue Appellate Authority, Ajmer to decide the applications under section 96 of the Civil Procedure Code and section 5 of the Limitation Act and, if so required, the appeal preferably within a period of two months and in the meantime, the parties shall maintain status quo of mauka and record of the disputed land. All application (s), if pending, are disposed of accordingly.

Pronounced in open court.

(Ravi Dangi)  
Member