

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

**APPEAL/TA/2003/1050/HANUMANGARH**

Bishandas son of Shri Dholakdas Swami resident of Khuia Tehsil Nohar District Hanuman (deceased) through his following legal representatives :-

1. Mst. Khumadevi daughter of Bishandas
2. Hunatdas son of Bishandas
3. Dooldas son of Bishandas
4. Banwaridas son of Bishandas
5. Shishpal son of Bishandas
6. Om Prakash son of Bishandas

-all are by caste Swami residents of Khuia Tehsil Nohar District Hanumangarh.

...Appellants

Versus

1. Radha widow of Ramla by caste Daroga (Rajput) Resident of Khuia Tehsil Nohar District Hanumangarh (Name deleted)

2. Man Singh

3. Balveer Singh

4. Kesari Singh

- sons of Bhera by caste Daroga (Rajput) Resident of Khuia Tehsil Nohar District Hanumangarh

5. Amar Singh son of Mukand Singh Rajput Resident of Khuia Tehsil Nohar District Hanumangarh (deceased)through his following legal representatives:

5/1. Badu widow Amar Singh Daroga (Rajput) Resident of Khuia Tehsil Nohar District Hanumangarh

5/2. Kamla daughter of Amar Singh Rajput Resident of Khuia Tehsil Nohar District Hanumangarh

5/3. Girdawari daughter of Amar Singh Rajput Resident of Khuia Tehsil Nohar District Hanumangarh

5/4. Santosh daughter of Amar Singh Rajput Resident of Khuia Tehsil Nohar District Hanumangarh

6. Chawli daughter of Bhera wife of Tejmal Singh Daroga (Rajput) Resident of Manapar Tehsil Sardarshahar District Churu

7. Prem daughter Bhera Wife of Revant Singh Daroga (Rajput) Resident of Khuia Tehsil Nohar District Hanumangarh

8. Vimla daughter of Bhera wife of Niran Singh Daroga (Rajput) Resident of Pallu Tehsil Nohar District Hanumangarh

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**D.B.**

**Shri V.Srinivas, Chairman**

**Shri Modudan Detha, Member**

**Present:-**

1. Shri Amrit Pal Singh, Counsel Counsel for the appellants
2. Shri Sohan Pal Singh, Counsel for the respondent No.2 to 4 and 6 to 8
3. Exparte proceedings were drawn against the respondent 5/1 and 5/3.

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## JUDGMENT

Dated 5.7.2018

The appellants have filed the 2nd appeal, in the Board of Revenue under Section 224 of the Rajasthan Tenancy Act aggrieved by the judgment & decree of learned Revenue Appellate Authority, Hanumangarh dated 14.11.2002.

The brief facts of the case are the following. The appellants/plaintiff had filed a suit under Section 88, 188 Rajasthan Tenancy Act 1955 in the court of ACM Bhadra seeking khatedari rights on old khasra number 207 new khasra no.515 of area 7 bigha 8 biswa on grounds of possession of suit land from Samvat 2012 to 2034. Further, the learned counsel for appellants has pleaded that no rights accrue to the respondent-defendants as they were not in possession of the suit land. The learned counsel for the appellants further pleads that the learned Revenue Appellate Authority has erred in not deciding on the appeal being find beyond period of limitation.

The learned counsel respondents pleaded that the respondent defendants were recorded khatedar tenants for the samvt 2012-2013. Khasra No:207 of village Khuiya Tehsil Nohar District Sriganganagar for Samvt 2010 to 2013 in recorded on the khatedari tenancy of Mst. Radha widow of Ravla 1/3rd share.

The learned counsel for the respondent further pleaded that 1st appellate authority was right in deciding the appeal and no right can accrue from entries in khasra girdavari.

We have heard arguments from both learned counsels and examined the record. The respondent-defendants are recorded in jamabandi (Khewat Khatauni) as khudkasht tenants for Samvat 2010-13 (Ex-D-1) and hence entitled to khatedar rights on suit land following enactment of Rajasthan Tenancy Act, 1955. It is further maintained that no khatedar rights accrue from entries in khasra girdawari and appellant-plaintiffs are not entitled to khatedari rights on suit land based on entries in khasra girdawari. Therefore, we find no force in the appeal, and there is no need to interfere with reasoned order of learned Revenue Appellate Authority, Hanumangarh.

Appeal dismissed.

Pronounced in open court.

(Modudan Detha)  
Member

(V.Srinivas)  
Chairman