

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

**Appeal/TA/1512/2003/Bharatpur**

1. Hasan Basari wife of Zuhru caste Mev resident of village Levra Tehsil Kaman Distt. Bharatpur.
2. Shakina daughter of Dhoop Khan wife of Ali Mohammed caste Mev resident of Ted Tehsil Puhana Distt. Gurgaon (Haryana).

Appellants

Versus

1. Jainam daughter of Dhoop Khan wife of Sauda caste Mev resident of village Nai Tehsil Ferozpur Jhirka Distt Gurgaon presently residing at village Levra Tehsil Kaman Distt Bharatpur.
2. Zuhru ) sons of Dhoop Khan caste Mev residents of Levra
3. Kamru ) Tehsil Kaman Distt Bhartpur.
4. Khubi )
5. State of Rajasthan through Tehsildar, Kaman.

Respondents

**D.B.**

**Shri Shikhar Agarwal, Member**

**Shri Surendra Kumar Purohit, Member**

Present:-

Shri Vaibhav Pareek, brief holder counsel of the appellants

Despite service respondents are not present.

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Date:.....

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

This is an appeal challenging the order of Revenue Appellate Authority, Bharatpur dated 20.2.2003, by which he has remanded the case to the trial court after accepting the appeal partly. The trial court vide its orders dated 21.3.2002 had passed an detailed and issuewise order and had not considered the claim of the petitioner before it.

2. The learned advocate for the appellants has stated that there was no ground for Revenue Appellate Authority, Bharatpur to remand the case, as a basic document, on the basis of which the case is made out has not been challenged in the civil court and the trial court has passed just and proper order which needs not be interfered with. He has argued that the Revenue Appellate Authority, Bharatpur should have seen the maintainability of the case which has not been done by him, as the trial court's order primarily based on the issue of

maintainability. He has, therefore, prayed that the order passed by the Revenue Appellate Authority, Bharatpur be set aside

3. We have heard the learned advocate for the appellants and have carefully perused the case record.

4. After careful consideration of the contentions made by the learned advocate of the appellants, we are of the opinion that the order passed by Revenue Appellate Authority, Bhartpur dated 20.2.2003 is not appropriate and needs to be set aside. Therefore, the appeal is accepted accordingly.

Pronounced

(Surendra Kumar Purohit)  
Member

(Shikhar Agarwal)  
Member