

तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज Revision No. 5348/2003/TA/Alwar Hoshiyar Singh Vs. Jeetram	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
01.11.2022	<p style="text-align: center;"><u>S.B.</u> Shri Ramniwas Jat, Member</p> <p><u>Present:</u> Shri Virendra Singh Rathore and Smt. Poonam Mathur : counsels for the petitioner. Shri Rohit Soni : counsel for the non-petitioner. - - -</p> <p>Brief facts of the case are that the non-petitioner filed a suit for declaration and permanent injunction u/s 88, 89 and 188 of the Rajasthan Tenancy Act against the petitioner. Along with the suit, an application u/s 212 was also filed by him alleging that the disputed land was khatedari land of Sheo Narain and present non-petitioner residing/ living with him and after the death of Sheo Narain he should have been declared khatedar of the disputed land, but the present petitioner was wrongly entered in revenue record; therefore, suit was filed for declaration of khateari rights and permanent injunction. Trial court after hearing both the parties on application u/s 212 RT Act by his judgment dated 31.12.1990 accepted the application and restrained the defendant/ petitioner not to disturb the possession of plaintiff/ non-petitioner and to maintain status quo of the land. Aggrieved by this order, present petitioner filed an appeal before S.O.-cum-R.A.A., Alwar who by his impugned judgment dated 30.9.2003 rejected the appeal. Against this order, present revision has been filed.</p> <p>I have heard the arguments of learned counsel for the parties.</p> <p>The learned counsel for the petitioner contended that the present petitioner is recorded khatedar of the disputed land and non-petitioner has no right over the</p>	

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	<p>disputed land. According to him, a recorded tenant cannot be restrained by temporary injunction, as such both the lower courts have erred in accepting the application of the non-petitioner u/s 212 RT Act. Therefore, he prayed to accept this revision and set aside the orders of the learned lower courts.</p> <p>The learned counsel for the non-petitioner contended that both the lower courts have found the prima-facie case in favour of non-petitioner and there is no reason to reverse the findings by the courts on the basis of revenue record. Therefore, he prayed to dismiss the revision.</p> <p>I have gone through the contentions made by learned counsel for the parties and perused the record.</p> <p>The orders passed by both the learned lower courts are based on the fact that the non-petitioner has a prima-facie case in the disputed land, therefore, it has directed both the parties to maintain status quo of the disputed land. I find no reason to interfere in the concurrent finding of facts by the lower courts. Since this matter is pending before the Board since 2003 and the suit is still pending before the trial court, the rights and titles of the parties will be finally decided in the suit after trial. The Board has by its order dated 24.10.2003 directed both the parties to maintain status quo. There is no need to pass any further order in the matter. Accordingly, I do not find any force in the present revision petition. Hence, it is dismissed and orders of both the learned lower courts are upheld.</p> <p>Pronounced in open court.</p> <p style="text-align: right;">(Ramniwas Jat) Member</p>	