

ख्तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज। Appeal Decree/TA/331/2005/Rajsamand	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
01-10-19	<p style="text-align: center;"><u>D.B.</u> Shri Shikhar Agarwal, Member Shri Surendra Maheshwari, Member</p> <p><u>Present:</u></p> <ol style="list-style-type: none"> 1. Shri R.K.Gupta, Counsel for the appellant 2. Shri P.S.Dashora, Counsel for the respondent <p style="text-align: center;">*****</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p>This second appeal has been filed under Section 224 of the Rajasthan Tenancy Act, 1955 against the Judgment and Decree passed by the Settlement Officer-cum-Ex-officio Revenue Appellate Authority, Udaipur dated 27-10-2004 in Appeal Nol263/2003 by which the order and decree of lower court dated 31.1.2002 has been upheld.</p> <ol style="list-style-type: none"> 2. The basic point in this case is that there is an unregistered and unstamped agreement dated 10.3.1976 through which the land in question was apparently transferred but because of death of seller soon thereafter registering could not be done. The basic question therefore is whether khatedari can be given on the basis of adverse possession. The lower courts in the matter have upheld that the khatedari rights cannot be given on the basis of adverse possession and the document in question dated 11.3.1976 cannot be taken cognizance of. 3. The counsel for the non-petitioners have pointed out that the case has been filed after 12 years and adverse possession. 4. We have carefully heard the learned counsel from both sides and perused the matter available on record. 5. After careful consideration of all the facts and material available on the file, we are of the opinion that the order of the Revenue Appellate Authority dated 27.10.2004 needs to be set aside. We accordingly upheld the order dated 31.1.2002 of S.D.O. Rajsamand accordingly. <p style="text-align: center;">Pronounced in open court.</p> <p style="text-align: center;">(Surendra Maheshwari) Member</p> <p style="text-align: center;">(Shikhar Agarwal) Member</p>	