

राजस्व मण्डल, राजस्थान, अजमेर

क्रमांक :- राज/न्याय/निग0/रम/2509/11/हनुमानगढ़/निर्णय दि 12/03/13

817 - 2 MAY 2013

प्रेषक :-
निबन्धक,
राजस्व मण्डल, राजस्थान,
अजमेर

निमित्त :-

सहायक कलेक्टर एवं उपखण्ड अधिकारी,
हनुमानगढ़।

विषय : इश्वरदास पुत्र श्री गोविन्दराम जाति सिन्धी नि 0
सिन्धी बौहस्सा हनुमानगढ़ टाउन जिला हनुमानगढ़।
बनाम

हेमराज उर्फ हेमनदास पुत्र श्री आसाऊमल जाति सिन्धी
वार्ड नं 032 हनुमानगढ़ टाउन लह0 प जिला हनुमानगढ़।

निगरानी / अपील विरुद्ध निर्णय -> S.D.O.

दिनांक : 11-02-2011 (30/07)

उपरोक्त वाद में इस न्यायालय के द्वारा निर्णय लिये जाने पर आपके न्यायालय की पत्रावली संख्या 30/07 एवं अधीनस्थ न्यायालय की पत्रावली संख्या Nil तथा इस न्यायालय के निर्णय की प्रतिलिपियां संलग्न कर पालनार्थ प्रेषित हैं।

2. कृपया प्राप्ति की रसीद भिजवावें।

पत्रावलियां एक पत्रावली सं 30/07 संलग्न
निर्णय प्रति मण्डल निर्णय दि 12/03/13

निबन्धक
राजस्व मण्डल, राजस्थान,
अजमेर।

क्रमांक :- राज/न्याय /

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. तहसीलदार, हनुमानगढ़, को मण्डल निर्णय दि 12/03/13
2. की प्रतिलिपि संलग्न प्रेषित है।
3.

निबन्धक
राजस्व मण्डल, राजस्थान,
अजमेर।

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IN THE BOARD OF REVENUE FOR RAJASTHAN AJMER

Revision/TA/2509/2011/Hanumangarh.

1. Ishwar Das son of Govind Ram
 2. Jhangi Ram son of Govind Ram
 3. Balu alias Balkishan son of Govind Ram
 4. Deepu alias Deepak Kumar son of Govind Ram
- All by caste Sindhi residents of Sindhi Mohalla, Hanumangarh Town, Hanumangarh. ...Petitioners.

Versus

1. Hemraj alias Heman Das son of Asau Mal caste Sindhi resident of Ward No. 32, Hanumangarh Town Tehsil & Distt. Hanumangarh.
 2. Sweety wife of Kushal Das son of Govind Ram caste Sindhi resident of Sindhi Mohalla, Hanumangarh Town.
 3. Gudiya) minor sons of Kushal Das through natural gurdian
 4. Amit) Sweety wife of Kushal Das Residents of Sindhi Mohalla, Hanumangarh Town. State of Rajasthan through Tehsildar, Hanumangarh.
- ...Non-petitioners.

S.B.

Shri Bajrang Lal Sharma, Member

Present:-

- Shri Pradeep Bishnoi, counsel for the petitioners.
Shri Pradeep Nehra, counsel for the non-petitioner.

Date: 12.3.2013

J U D G M E N T

The petitioners have filed this revision petition under section 230 of the Rajasthan Tenancy Act, 1955 (in short 'the Act') being aggrieved by the order passed by Assistant Collector and Sub-Divisional Officer, Hanumangarh on 11.2.2011 in case No. 30/07.

2. The factual matrix of the case is that non-petitioner Hemraj filed a regular suit before Sub-Divisional Officer, Hanumangarh under section 88 and 183 of the Act against the petitioners and non-petitioners No. 2 to 5. During adjudication of the suit, an application under Order 7 Rule 11 and Order 7 Rule 10 of the Civil Procedure Code by the petitioner No. 1 which was rejected by the trial court on 11.2.2011. Being aggrieved by the judgment passed by the trial court, this revision petition has been filed before this court.

3. Heard the learned counsels of the parties.

COMPARED BY

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Revision/TA/2509/2011/Hanumangarh
Ishwar Das and ors. Vs. Hemraj and ors.

4. This court has carefully perused the impugned order passed by the trial court on 11.2.2011. The trial court has explicitly observed that the issue involved in the application filed by the petitioner can be decided after taking evidence in this matter. The suit has been filed for declaration of tenancy rights. Therefore, the plaint cannot be rejected on the application filed under Order 7 Rule 11 of the Civil Procedure Code.

5. In these circumstances, this court is of the view that the trial court has not committed any legal or jurisdictional error in passing the impugned order dated 11.2.2011. Therefore, the revision petition filed by the petitioners is dismissed being devoid of any merit. However, the trial court is directed to frame issues on the basis of written statement filed by the defendants and if there is any legal issue that can be decided on priority during adjudication of the suit.

Pronounced.

12.2.2013

(Bajrang Lal Sharma)
Member

सत्य प्रतिलिपि
02/05
निबन्धक
राजस्व मण्डल राजस्थान
अजमेर

COMPARED BY



सत्यमेव जयते
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