

**(2014) 07 RAJ CK 0096**

**In the Rajasthan High Court**

**Case No :** Civil Revision Petition No. 127/2013

Kanhaiyalal Balotia

APPELLANT

Vs

Surajpole Gate Grah Vikas Samiti Limited

RESPONDENT

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**Date of Decision :** 04-07-2014

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Order 7 Rule 11  
Rajasthan Tenancy Act, 1955 — Section 42(B)

**Citation :** (2014) 4 WLN 52

**Hon'ble Judges :** Bela M. Trivedi, J

**Bench :** Single Bench

**Advocate :** Narendra Mishra, Advocate for the Appellant

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## **Judgement**

Bela M. Trivedi, J.—The revision petition has been filed by the petitioner-defendant No. 2, challenging the order dt. 26.09.2013 passed by the Additional District and Session Judge, Sambhar Lake Court Camp Dudu, Jaipur (hereinafter referred to as "the Trial Court") in Civil Suit No. 72/2013, whereby the Trial Court has dismissed the application of the petitioner under Order VII, Rule 11 of CPC. It is submitted by the learned counsel Mr. Narendra Mishra for the appellant that the respondent-plaintiff had filed the revenue suit, which was dismissed, and therefore the present suit was barred by the principles of res-judicata. He also submitted that the agreement in question was also barred by Section 42(B) of the Rajasthan Tenancy Act, and therefore the suit is also not maintainable.

2. The Court does not find any substance in any of the submissions made by the learned counsel for the petitioner. Whether the suit is barred by the principles of res-judicata or not would be a matter of evidence. Whether the agreement in question was barred by the provisions or Section 42(B) of the Rajasthan Tenancy Act or not would also be a matter of evidence. The Trial Court has rightly considered the contentions raised by the petitioner. The Court does not find any illegality in the same. The revision petition being devoid of merits is dismissed.