

**(2020) 12 RAJ CK 0058**

**In the Rajasthan High Court**

**Case No : Civil Revision Petition No. 78 Of 2020**

Kirandeep Kaur

APPELLANT

Vs

Pragati Bal Vidhya Mandir Satipura And Ors

RESPONDENT

**Date of Decision : 14-12-2020**

**Acts Referred:**

Gram Nyayalaya Act, 2008 — Section 11, 13, 14  
Rajasthan Tenancy Act, 1955 — Section 207, 251  
Code Of Civil Procedure, 1908 — Order 7 Rule 11

**Citation : (2020) 12 RAJ CK 0058**

**Hon'ble Judges : Arun Bhansali, J**

**Bench : Single Bench**

**Advocate : B.S. Sandhu, B.S. Sisodia**

**Final Decision : Dismissed**

## Judgement

This revision petition is directed against the order dated 07.09.2020 passed by the Gram Nyayalaya, Hanumangarh, whereby the application filed by the petitioner under Order VII, Rule 11 CPC has been rejected.

A suit was filed by the respondent-plaintiff seeking injunction against the petitioner, inter alia, with the submissions that the property situated at village - Satipura, was let out by the petitioner-defendant and that the defendant was seeking to dispossess them without due process of law and based on the said cause, an injunction against dispossession was sought.

The petitioner on appearance filed application under Order VII, Rule 11 CPC, inter alia, with the submissions that though the suit has been valued at Rs.15,000/-, a court-fees of Rs. 100/- has been paid, whereas the court-fees comes to Rs. 375/-. The jurisdiction of the Court was questioned based on the pecuniary limits by indicating that the Court has jurisdiction to deal with a

matter, where the court-fee would be Rs. 100/- only. It was also indicated that as the plaintiff-Society was not registered, the plaint be rejected. The application was contested by the plaintiff. The Gram Nyayalaya after hearing the parties, came to the conclusion that the maximum court-fee prescribed under notification issued by the High Court was Rs. 100/- and that the jurisdiction is not confined to cases where the court-fee comes to Rs. 100/-. Regarding the registration of the plaintiff-Society, it was found that the plaintiff has filed registration certificate on record and, consequently, it rejected the application.

Learned counsel for the petitioner abandoning the ground as raised in the application before the Gram Nyayalaya, made a fresh submission that in view of the provisions of Section 11 and 14 of the Gram Nyayalaya Act, 2008 ('the Act') read with its Second Schedule, the subject matter of the suit does not fall within the jurisdiction of the Gram Nyayalaya and, therefore, the suit was not maintainable.

Reliance was place on judgment in Raghunath & Ors. v. Mangi Lal & Ors.: SBCW No. 5002/2012, decided on 26.10.2012 at Jaipur Bench.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

So far as the determination made by the Gram Nyayalaya is concerned, the same is in consonance with Act, Rajasthan Gram Nyayalaya Rules, 2010

('the Rules of 2010') read with notification dated 25.05.2010 issued by the High Court, wherein the maximum court-fee prescribed is Rs. 100/-. As

such the ground raised in the application before the Gram Nyayalaya has no substance.

So far as the issue orally raised in the present revision petition by the learned counsel for the petitioner is concerned, the provisions of Section 11

prescribe the jurisdiction of Gram Nyayalaya, wherein the Gram Nyayalaya exercises jurisdiction both civil and criminal and under Section 13, the civil

jurisdiction has been prescribed, where in all suits or proceedings of a civil nature falling under the classes of disputes specified in part-I of the Second

Schedule, can be tried.

A look at the Second Schedule indicates that for the property disputes pertaining to village and farm houses (possession), the jurisdiction lies with the

Gram Nyayalaya.

A look at the relief claimed in the plaint as presented by learned counsel for the petitioner clearly indicates that the dispute pertains to the possession of the house in the village, which dispute is well within the jurisdiction of the Gram Nyayalaya.

In view thereof, the issue regarding the jurisdiction of the Gram Nyayalaya also has no substance.

So far as the judgment in the case of Raghunath (supra) is concerned, in the said case, the dispute pertained to the village path way and it was found

that the said aspect was governed by provisions of Section 251 of the Rajasthan Tenancy Act, 1955 ('the Tenancy Act') and, therefore, the suit was

barred under Section 207 of the Tenancy Act. Consequently, the said judgment has no application to the facts of the present case.

In view of the above discussion, there is no substance in the revision petition, the same is, therefore, dismissed.