

(2023) 08 RAJ CK 0018
In the Rajasthan High Court
Case No : Civil Revision Petition No. 4 Of 2023

Premlata	Vs	APPELLANT
Jagjeet Daga And Others		RESPONDENT

Date of Decision : 04-08-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Order 7 Rule 11

Citation : (2023) 08 RAJ CK 0018

Hon'ble Judges : Rekha Borana, J

Bench : Single Bench

Advocate : C.P. Soni

Final Decision : Dismissed

Judgement

Rekha Borana, J

1. The present revision petition has been preferred against the order dated 22.08.2022 passed by the Additional Civil Judge No.2, Pali in Civil Original Suit No.4/2022 whereby the application under Order VII Rule 11 of the Code of Civil Procedure as preferred by the defendant has been rejected.

2. Two grounds had been averred by the defendant in the application, firstly, the land is agricultural in nature and therefore, the suit before the Civil Court would not be maintainable. Secondly, the sale in question is hit by Section 42 of the Rajasthan Tenancy Act, 1955 and therefore, the sale being void, the present suit is barred by law.

3. Heard learned counsel for the petitioner and perused the impugned order.

4. In the plaint, the plaintiff averred that the land in question, which is a farm house, had been purchased by him and a patta by the Municipal Council had been issued qua the said land. The Court below specifically held that once the patta by a local authority/body had been issued, the land no more remained agricultural and therefore, the suit was very well maintainable before the Civil

Court. So far as Section 42 of the Rajasthan Tenancy Act, 1955 is concerned, the Court has observed that the said question can be decided only after the evidence being led on the point.

5. In the opinion of this Court, both the findings as reached by the Court below are totally in consonance with law and do not deserve any interference by this Court.

6. The revision petition is therefore, dismissed.

7. Stay petition stands disposed of.