

(2011) 09 RAJ CK 0078

In the Rajasthan High Court

Case No : Civil Writ Petition No. 10690 of 2011

Shankar Lal and Others

APPELLANT

Vs

Zila Wakf Committee and Others

RESPONDENT

Date of Decision : 01-09-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 7 Rule 11
Rajasthan Tenancy Act, 1955 — Section 207

Citation : (2011) 09 RAJ CK 0078

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Narendra Kumar Jain, J.—Learned counsel for the Petitioner submitted that while deciding the application under Order 7 Rule 11 CPC filed by the Petitioners for dismissal of the suit, learned Tribunal has not considered his submission regarding jurisdiction of the Tribunal in respect of agricultural/khatedari land, which is exclusively triable by Revenue Court and jurisdiction of other Courts including Tribunal is barred by virtue of Section 207 of the Rajasthan Tenancy Act. He further submitted that although this objection was taken by the Petitioners in their application under Order 7 Rule 11 Code of Civil Procedure, but either the same was not argued or the same has not been dealt with while deciding the application, therefore, he may be permitted to withdraw this writ petition with liberty to file fresh application in respect of objection about maintainability of the suit and jurisdiction of the Tribunal in respect of agricultural/khatedari land in accordance with law.

2. Prayer of learned counsel for the Petitioner is allowed.

3. Writ petition as well as stay application both are, accordingly, dismissed as withdrawn with liberty, as prayed for.