

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Misc. Appeal No. 2716 / 2017

1. Kundan Mal S/o Shri Danmal, Aged About 61 Years, By Caste Jain, R/o 1-D-07 New Housing Board, Pali, Rajasthan.

2. Heera Chand S/o Shri Danmal, Aged About 58 Years, By Caste Jain, R/o 1-D-32 New Housing Board, Near Chima Bai Sancheti School, District Pali, Rajasthan.

----Appellants

Versus

1. State of Rajasthan Through District Collector Pali

2. Bhagwanchand S/o Late Shri Mitha Lal, By Caste Jain, R/o Jetpur, Tehsil Rohat, District Pali At Present 17 Gundochiya Bas, Pali, Rajasthan.

3. Jograj S/o Jorawal Mal, By Caste Oswal, R/o Jetpur Tehsil Rohat, District Pali.

4. Sub Registrar & Tehsildar, Tehsil Rohat, District Pali.

----Respondents

For Appellant(s) : Mr. N.A. Rajpurohit

For Respondent(s) :

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

05/10/2017

It is submitted by learned counsel for the appellants that from a bare reading of the plaint it is apparent that the suit pertained to agricultural land and, therefore, the trial court was justified in accepting the appellants' application under Order VII, Rule 11(d) CPC. However, the First Appellate Court by merely observing that as the relief is based on alleged violation of agreement between the parties, the civil court would have jurisdiction has wrongly reversed the order passed by the trial

court and remanded back the matter for trial.

Issue notice. Issue notice of stay application as well. Both the notices are made returnable within a period of six weeks.

Notices when issued, be given 'dasti' to learned counsel for the appellants.

In the meanwhile and until further orders, further proceedings in Civil Original Suit No. 145/2011 pending before the Civil Judge (Junior Division), Pali shall remain stayed.

(ARUN BHANSALI)J.

A.K. Chouhan/-86



सत्यमेव जयते