

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

S.B. Civil Writ Petition No. 4738/2026

Raghvendra Singh, Aged About 45 Years, R/o Kodi Chopawatan
Tehsil Raniwara District Jalore

-----Petitioner

Versus

1. Prem Raj, R/o Bhinmal District Jalore
2. Executive Officer Municipal Council Bhinmal, Municipal
Council Bhinmal Dist Jalore
3. Adminstrator Municipal Council, Bhinmal Dist Jalore
4. Gopal Singh, R/o Kodi Chopawatan Tehsil Raniwara
District Jalore

-----Respondents

For Petitioner(s) : Mr. Mahendra Thanvi
Mr. Narendra Thanvi

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/02/2026

It is contended by learned counsel for the petitioner that the petitioner had moved an application under Order I Rule 10 of the Code of Civil Procedure, 1908 (for short, "CPC"), and pursuant thereto, he was impleaded as a party to the proceedings.

He further submits that the petitioner has thereafter filed an application under Order 7 Rule 11 CPC seeking rejection of the plaint. He also submits that Patta No.331 dated 17.12.2021 is under challenge at the instance of the petitioner before the respondent-Municipality under Section 73-B(7) of the Municipalities Act and the said proceedings are still pending consideration.

It is further submitted that the application preferred by the petitioner under Order 7 Rule 11 CPC has not been decided by the learned trial Court. However, by the impugned order dated 19.02.2026, the trial Court proceeded to appoint a Mauka Commissioner for inspection of site in question, without first adjudicating upon the application under Order 7 Rule 11 CPC.

In support of his submissions, learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in ***R.K. Roja v. U.S. Rayudu & Anr.*** reported in ***2016 Supreme (SC) 533***, wherein it has been held that if an application under Order VII Rule 11 CPC is filed, the same is required to be decided at the threshold before proceeding further with the trial of the suit.

The matter requires consideration.

Issue notice to respondent Nos.1 to 3, returnable within six weeks.

In the meanwhile and till next date, further proceedings in Civil Original Suit No.01/2026 pending before the Court of learned Civil Judge, Bhinmal, District Jalore shall remain stayed.

(MUKESH RAJPUROHIT),J