

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

S.B. Civil Writ Petition No. 5355/2026

1. Sachin Sharma S/o Shri Rajendra Sharma, Aged About 42 Years, Resident Of Choganiyon Ka Baas, Sojat City, Tehsil Sojat, District Pali, Rajasthan.
2. Rajendra S/o Late Shri Kanhaiyalal, Aged About 70 Years, Resident Of Choganiyon Ka Baas, Sojat City, Tehsil Sojat, District Pali, Rajasthan.

-----Petitioners

Versus

1. Purshottam S/o Late Shri Kanhaiyalal, Resident Of Pali Road, Sojat City, Tehsil Sojat, District Pali, Rajasthan.
2. Kamla Devi D/o Shri Kanhaiyalal, Resident Of Bhimaliya Tehsil Marwad Junction, Currently Residing In Pune, Maharashtra.
3. Sayri W/o Prakashchand, Resident Of Sojat City, Tehsil Sojat, District Pali, Rajasthan.
4. Prakash S/o Late Shri Kanhaiyalal, Resident Of 730, Guruwarpet Shivaji Road, Rashtrabhushan Chowk, Pune, Maharashtra.
5. Geeta D/o Late Shri Kanhaiyalal W/o Shri Gheesulal Dangi, Resident Of A-223, Geeta Complex, Kasturba Housing Society, Vishrant Wadi Chowk, Pune, Maharashtra.
6. Kelidevi W/o Premchand, Resident Of Sojat City, Tehsil Sojat, District Pali, Rajasthan.
7. Patasi W/o Ogadram Bhati, Resident Of Pawti Ka Bass, Sojat City, Tehsil Sojat, District Pali, Rajasthan.
8. Tehsildar (Bhumi Dharak), Sojat City, District Pali, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Rakesh Kumar Chotia
For Respondent(s)	:	

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

09/03/2026

1. Learned counsel for the petitioner submits that defendant has filed a counter claim against co-defendant after 11 years of

filing of suit; that too, after closing of opportunity for filing written statement.

2. Learned counsel for the petitioner argues that although learned Court of Assistant Collector, Sojat, has passed a detailed order rejecting the prayer of respondent – Purshottam to take the belated counter claim on record; however, learned Board of Revenue has proceeded in a cursory manner and, without considering the settled position of law regarding admission of counter claim, allowed the revision petition and ordered to take the counter claim of respondent – Purshottam on record.

3. Learned counsel for the petitioner has placed reliance upon judgment passed in cases reported in **2003 (7) SCC 350** and **2015 (3) DNS (RAJ) 1033**.

4. Matters requires consideration.

5. Issue notice. Issue notice of the stay application also, returnable within a period of six weeks.

6. In the meantime, further proceedings in revenue suit No. 216/2013, pending before Court of Sub-Divisional Officer, Pali, shall remain stayed.

(SANJEET PUROHIT),J