HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 597/2024

Jeetu S/o Shri Heera, Aged About 60 Years, By Caste Jat, Resident Of Aajoliya Ka Khera, Tehsil Gangrar, District Chittorgarh (Raj.).

----Appellant

Versus

1. Narayan S/o Late Shri Pyara, By Caste Jat, Resident Of Aajoliya Ka Khera, Tehsil Gangrar, District Chittorgarh (Raj.).
2. Anopi W/o Late Shri Pyara, By Caste Jat, Resident Of Aajoliya Ka Khera, Tehsil Gangrar, District Chittorgarh (Raj.).
3. Champa Lal S/o Shri Mohan Lal, By Caste Jat, Resident Of Aajoliya Ka Khara, Tehsil Gangrar, District Chittorgarh (Raj.).
4. Santosh W/o Shri Dal Chand, By Caste Jat, Resident Of Aajoliya Ka Khara, Tehsil Gangrar, District Chittorgarh (Raj.).
5. Prem D/o Shri Dal Chand, By Caste Jat, Resident Of Aajoliya Ka Khara, Tehsil Gangrar, District Chittorgarh (Raj.).
6. Anjana D/o Shri Dal Chand, By Caste Jat, Resident Of Aajoliya Ka Khara, Tehsil Gangrar, District Chittorgarh (Raj.).
7. Suman D/o Shri Dal Chand, (Minor Through Her Natural Guardian Mother Santosh) By Caste Jat, Resident Of Aajoliya Ka Khara, Tehsil Gangrar, District Chittorgarh (Raj.).
8. Ratan Lal S/o Shri Dal Chand, By Caste Jat, Resident Of Aajoliya Ka Khara, Tehsil Gangrar, District Chittorgarh (Raj.).
9. Manager, State Bank Of India, Branch Putholi, Tehsil Gangrar, District Chittorgarh (Raj.).
10. State Of Rajasthan, Through Tehsildar, Tehsil Gangrar, District Chittorgarh (Raj.).

----Respondents

<u>Connected With</u>

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----Respondents

For Appellant(s)	:	Mr. C. P. Soni
For Respondent(s)	:	Mr. B. S. Charan Mr. Shashank R. Joshi

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

25/03/2026

1. Heard learned counsel for the parties.

2. The present appeal has been filed against the order dated 14.05.2024, whereby the writ petition preferred by the appellant-petitioner has been dismissed.

3. The facts necessary for deciding the present controversy are that on account of some dispute between the parties, two suits were filed before the Assistant Collector-cum-Sub Divisional Officer, Gangrar. It is alleged that on account of some family settlement, two decrees were framed, in two cases, i.e. 102/2015 and 103/2015. Dalchand and Dakhi Bai being dissatisfied with the decree of Suit No.102/2015 filed an appeal before the Revenue Appellate Authority, Chittorgarh. On receipt of the notices of the appeal filed by Dalchand and Dakhi Bai, the present petitioner filed a cross appeal within the specified limitation period of 30 days. The Revenue Appellate Authority, Chittorgarh decided the appeal filed by Dalchand & Dakhi Bai vide order dated 15.03.2022. Since the cross appeal of the appellant-petitioner was not decided, he preferred a second appeal before the Board of Revenue, Ajmer. But the Board of Revenue, Ajmer rejected the appeal filed by the present appellant-petitioner vide order dated 12.03.2024 observing therein that since the petitioner-appellant has not filed any appeal or any cross appeal before the first appellate authority, therefore, the second appeal preferred by the petitioner-appellant is not maintainable and the same was, therefore, dismissed vide

order dated 12.03.2024. Aggrieved by the order dated 12.03.2024, the appellant-petitioner preferred a writ petition before this court. However, the same was also dismissed, for the same reason, vide order dated 14.05.2024. Hence, the present appeal.

4. Learned counsel for the appellant submits that the petitioner-appellant has preferred a cross appeal before the Revenue Appellate Authority, Chittorgarh and the same was taken note of in the order-sheet of the Revenue Appellate Authority dated 22.08.2017. The learned counsel submits that while deciding the appeal of Dalchand, the cross appeal of the appellant-petitioner was not discussed, deliberated and decided, although, the same was stated to be pending consideration before the Revenue Appellate Authority, Chittorgarh. Since the cross appeal was not decided by the Revenue Appellate Authority, Chittorgarh, the appellant-petitioner preferred a second appeal before the Board of Revenue, Ajmer, but the Board of Revenue, Ajmer, while deciding the second appeal observed that no appeal etc. was filed before the Revenue Appellate Authority, Chittorgarh against the original order passed by the SDO in case No.102/2015. Learned counsel submits that the Board of Revenue, Ajmer as well as learned Single Bench have committed error while recording the finding that the appellant-petitioner has not preferred any appeal or any cross appeal before the Revenue Appellate Authority, Chittorgarh. The finding recorded by the Board of Revenue as well as learned Single Judge is factually incorrect as the cross appeal filed by the petitioner before the Revenue Appellate Authority was noted by it in the order sheet dated 22.08.2017. He, therefore,

prays that the matter may be remanded back to the Revenue Appellate Authority, Chittorgarh for deciding cross appeal filed after giving reasonable opportunity of hearing to all the parties.

5. Learned counsel for the respondents, although, opposed the submissions made by the counsel for the appellant-petitioner, however, he is not in a position to refute the factum of filing the cross appeal by the petitioner before the Revenue Appellate Authority, Chittorgarh in the Suit No.102/2015 decided by the learned Assistant Collector-cum-Sub Divisional Officer, Gangrar.

6. Learned counsel for the parties, at this juncture, jointly submitted that the orders passed by the Revenue Appellate Authority dated 15.03.2022 and the order dated 12.03.2024 passed by the Board of Revenue and the order dated 14.05.2024 passed by Single Bench of this Court may be quashed and set aside and the matter may be remanded back to the Revenue Appellate Authority, Chittorgarh to decide the cross appeal alongwith pending appeals of appellant-petitioner after giving reasonable opportunity of hearing to all the concerned parties.

7. In view of the submissions made before this Court the present appeal is allowed and the order dated 15.03.2022 passed by the Revenue Appellate Authority, Chittorgarh and the order dated 12.03.2024 passed by the Board of Revenue, Ajmer and the order dated 14.05.2024 passed by Single Bench of this Court are quashed and set aside.

8. The matter is remanded back to the Revenue Appellate Authority, Chittorgarh to decide the cross appeal of the appellant-petitioner expeditiously in accordance with law after giving reasonable opportunity of hearing to all the concerned parties.

9. The Status quo, as it exists today, shall be maintained by all the parties till the Revenue Appellate Authority, Chittorgarh decide the cross appeal of the appellant-petitioner.

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In view of the order passed in DB SAW No.597/2024, the present special appeal writ is also allowed in the same terms and conditions and the impugned order dated 15.03.2022 passed by the Revenue Appellate Authority, Chittorgarh and the order dated 12.03.2024 passed by the Board of Revenue, Ajmer and the order dated 14.05.2024 passed by Single Bench of this Court are quashed and set aside.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

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