

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

S.B. Civil Revision Petition No. 144/2026

1. Pratap Singh S/o Shri Laxmi Narayan Jat, Aged About 55 Years, Resident Of Sahwa, Tehsil- Taranagar, District Churu
2. Rajendra Kumar S/o Shri Laxmi Narayan Jat, Aged About 50 Years, Resident Of Sahwa, Tehsil- Taranagar, District Churu.

----Petitioners

Versus

1. Lichma W/o Maniram, Aged About 78 Years, Resident Of Kunji,tehsil Bhadra, District Hanumangarh
2. Mahavir S/o Maniram, Aged About 54 Years, Resident Of Kunji,tehsil Bhadra, District Hanumangarh
3. Dharmaram S/o Maniram, Aged About 52 Years, Resident Of Kunji, Tehsil Bhadra, District Hanumangarh
4. Kamlesh D/o Maniram, Aged About 58 Years, W/o Bhup Singh Resident Of Kunji, Tehsil Bhadra, District Hanumangarh, currently Resident of Bhangwa, Tehsil Bhadra, District Hanumangarh.
5. Dhapa D/o Maniram, Aged About 56 Years, W/o Bharat Singh Resident Of Kunji, Tehsil Bhadra, District Hanumangarh, currently Resident Of Bhangwa, Tehsil Bhadra, District Hanumangarh
6. Pratap Singh S/o Ranjit Singh Doodi, Resident Of Dhirwas, Small Tehsil, Taranagar District, Churu, The Thenpatwari, Patwar Halka Sahwa, Tehsil, Taranagar District, Churu
7. State Of Rajasthan, Through Sub-Divisional Officer, Taranagar, District Churu
8. Tehsildar, Taranagar, District Churu
9. Naib Tehsildar (Sub Tehsildar), Sahwa Tehsil Taranagar, Churu
10. Naib Tehsildar (Sub Registrar), Sahwa Tehsil Taranagar, Churu
11. Sho, Police Station Sahwa, Tehsil- Taranagar, Churu
12. Kashiram S/o Chunaram, Resident Of Nethwa,tehsil- Taranagar, Churu

13. Hansraj S/o Malaram, Resident Of Sahwa, Tehsil
Taranagar, Churu

----Respondents

For Petitioner(s) : Mr. D.D. Chitlangi

For Respondent(s) : -

HON'BLE MR. JUSTICE FARJAND ALI

Order

07/05/2026

1. Heard learned counsel for the parties and gone through the impugned order.
2. The petitioner happened to be defendant in a civil suit filed at the instance of the respondent No.1 and while seeking a prayer for issuance of a decree for cancellation of Will dated 23.03.1999 as ineffective and void towards the interest of the plaintiff and for perpetual injunction as well.
3. The petitioner-defendant moved an application under Order VII Rule 11, CPC for rejection of the plaint mainly on this count that the suit was not properly valued, that the proper court fees was not paid and that the plaintiff may obtain the prayer from the revenue Court.
4. Vide the impugned order dated 07.04.2026, the learned trial Court dismissed the application, observing that no dispute existed with regard to determination of revenue rights and it was a case of cancellation of a Will. The Court further observed that specific pleadings had been raised alleging the Will to be a forged document and, therefore, such a suit could be entertained only by a civil court.

5. After having gone through the niceties of the matter, the impugned order and considering the submission that no error has been committed by the learned trial Court by dismissing the application under Order VII Rule 11 CPC.

6. A suit for cancellation of Will can only be adjudicated upon by a civil Court and by virtue of Section 207 of the Rajasthan Tenancy Act, 1955, revenue Court is not competent to entertain such suit. The issue with regard to gross violation of non-payment of the proper court fees may also have no substance since for which proper issue shall be framed and parties shall remain open to contest the case during course of trial.

7. The provisions of Rule VII Order 11 CPC are not meant to stifle a judicial decision at a nascent stage, particularly, when the issues have already been framed by the Trial Court. I am of the firm opinion that such issues shall be adjudicated upon on their respective merits.

8. There is no force in the instant revision petition.

9. Accordingly, the present petition stands disposed of.

10. Pending applications, if any, also stand disposed of.

(FARJAND ALI),J