

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

S.B. Civil Revision Petition No. 204/2024

1. Peepa Kshatriya Samast Nyati Sabha Trust, Masuriya Through Its Working President Shri Narendra Kumar Chouhan S/o Late Sh. Banshilal Chouhan, Aged About 62, R/o Baba Ramdev Mandir, Masuriya, Jodhpur
2. Narendra Kumar Chouhan S/o Late Sh. Banshilal Chouhan, Aged About 62 Years, R/o Pipaliya Mahadev Temple, Neem Ki Gali, Darjiyo Ka Chowk Khanda Falsa Inside Jalori Gate Jodhpur Working President Peepa Kshatriya Samaj Nyati Sabha Trust Masuriya Jodhpur
3. Dinesh Goyal S/o Late Sh. Badirlal Goyal, Aged About 63 Years, Vice Presidnet R/o 19 E 68 Chopasani Housing Board Jodhpur
4. Shashikant Solanki S/o Late Sh. Shyam Ji Solanki, Aged About 55 Years, Dy. Secretary, R/o 301 Ram Nagar Balaji Marg Jhanwar Road Pf Office Jodhpur
5. Purushottam Rakhecha S/o Late Sh. Surajmal Rakhecha, Aged About 65 Years, R/o 17 Of 494 Chopasani Housing Board Jodhpur

-----Petitioners

Versus

1. Dilip Singh Sisodiya S/o Late Sh. Amarlal Sisodiya, R/o Neem Ki Gali Darjiyo Ka Chowk Khanda Falsa Inside Jalori Gate Jodhpur
2. Vinod Parihar S/o Late Sh. Asha Ram Parihar, R/o Bhurawato Ki Pole Taoi Bawadi Khanda Falsa Inside Jalori Gate Jodhpur
3. Shiv Prasad Dahiya S/o Late Sh. Bhanwar Lal Dahiya, Vice President, R/o 112A Adinath Nagar Chaman Gali Pf Office Jhanwar Road Jodhpur
4. Nitin Panwar S/o Kishanlal Panwar, Dy. Treasurer R/o 97 Prem Vihar Opposite Chopasani School Chopasani Jodhpur
5. Rajendra Singh Solanki S/o Late Sh. Narayan Singh Solanki, Prachar Mantri, R/o 2F-15 Opposite Government Senior Seconary School Pratap Nagar Jodhpur
6. Anil Solanki S/o Late Sh. Jugraj Solanki, Religious Mantri

R/o Pipaliya Mahadev Mandir Neem Ki Gali Darjiyo Ka Chowk Khanda Falsa Inside Jalori Gate Jodhpur

7. Anil Solanki S/o Shyam Sunder Solanki, Member R/o Pipaliya Mahadev Mandir Neem Ki Gali Darjiyo Ka Chowk Khanda Falsa Inside Jalori Gate Jodhpur
8. Chandra Dutt Rakhecha S/o Sh. Champa Lal Rakhecha, Member R/o 17-E-319, Chopasani Housing Board, Jodhpur
9. Ramesh Panwar S/o Late Bhero Singh Panwar, Member R/o 47, 7 Vistar Scheme Near Gandha Nala, Radha Govind Temple, Jodhpur
10. Dinesh Prakash Panwar S/o Late Noratanmal Panwar, Member R/o 18 Of 496 Chopasani Housing Board Jodhpur
11. Rakesh Goyal S/o Nandkishore Goyal, Member R/o Near Devidan Ashram Sunthala Jodhpur
12. Ajay Solanki S/o Nandkishore Solanki, Member R/o 18 Of 530 Chopasani Housing Board Jodhpur
13. Roshan Parmar S/o Late Satya Prakash Parmar, Member R/o 21 Of 729 Chopasani Housing Board Jodhpur
14. Jitendra Solanki S/o Late Prakash Ji Solanki, Member R/o 17 Of 287 Chopasani Housing Board Jodhpur
15. Arun Kachhawaha S/o Kushal Kumar Kachhawaha, Election Officer R/o A 112 Second Vistar Kamla Nehru Nagar Near Somani College Jodhpur
16. Narendra Kumar Goyal S/o Late Sh. Omji Goyal, Secretary, R/o Near Devidan Ji Ashram Sunthala Jodhpur

----Respondents

For Petitioner(s)	:	Mr. O.P. Mehta with Mr. Tanay Jain & Mr. Zubin Ahmed
For Respondent(s)	:	Mr. C.P. Soni

HON'BLE MS. JUSTICE REKHA BORANA
Order

23/04/2026

1. The present revision petition has been filed aggrieved of order dated 07.09.2024 passed by Additional Civil Judge No.1,

Jodhpur Metropolitan in Civil Original Suit No.109/2024 (NCV No.410/2024) whereby application under Order 7 Rule 11 read with Section 151, CPC as filed on behalf of defendant Nos.1 to 3 and 5 to 7, stood rejected.

2. The ground raised by the defendants in the application was that jurisdiction of the Civil Court to hear the suit in question was barred in terms of Section 73 of Rajasthan Public Trusts Act, 1959 (for short 'the Act of 1959').

3. It was submitted that the issue as raised was to be dealt with and decided by the Officer or Authority as provided under the Act of 1959 and hence, the Civil Court would have no jurisdiction.

4. It was submitted that the plaintiff had already submitted his objections in terms of Section 23 of the Act of 1959 before the Assistant Commissioner and hence, he had no *locus standi* to file the present suit.

5. Learned counsel for the petitioners submitted that the learned Trial Court erroneously rejected the application under Order 7 Rule 11, CPC.

6. Per contra Counsel for the respondents while relying upon a Co-ordinate Bench judgment of this Court in ***Harigopal Sharma & Anr. vs. Navratan Joshi & Ors.; S.B. Civil Revision Petition No.261/2025*** (decided on 02.02.2026) submitted that election disputes are not contemplated to be decided by the Authority/Officer under the Act of 1959 and hence, it is only the Civil Court which has the jurisdiction to decide such disputes.

7. Heard the counsels. Perused the record.

8. In ***Harigopal Sharma*** (supra), the Court while relying upon the Hon'ble Apex Court judgment in ***Dhulabhai etc. vs. State of***

M.P. & Ors.; 1969 AIR (SC) 78 and a Co-ordinate Bench judgment of this Court at Jaipur Bench in **Nathu Lal Sharma vs. Om Prakash Sharma & Ors.; S.B. Civil Revision Petition No.72/2022** (decided on 26.04.2022), held as under:

"Applying the ratio of law laid down in aforesaid cases, this Court finds that adjudication in Nathu Lal Sharma's case squarely covered the issue in the present case, wherein it has been held that disputes relating to election of trust office bearers, particularly when founded on allegations of corrupt practices and connivance, are amenable to civil jurisdiction in absence of a statutory bar."

9. In **Nathu Lal Sharma** (supra), while dealing with a similar situation, the Court held as under:

*"6. This Court finds that such observations/findings of the trial court are not within parameters of law. **Prima facie, the dispute of election raised in the present civil suit does not attract the application of Section 23 of the Act of 1959 and consequently, the bar of jurisdiction of civil court as enshrined under Section 73 of the Act of 1959 is not applicable.** When on bare perusal of the plaint, the dispute raised therein, and the issue involved therein, do not attract the bar of Section 73 of the Act, then it is not desirable to frame a preliminary issue in that respect. Hence, findings of trial court to this effect cannot be countenanced however, merely for the reason that the trial court expressed some different reasons to dismiss the application, argument of counsel for the petitioner to declare the present civil suit as barred under Section 73 of the Act of 1959 cannot be accepted.*

*In the judgment of Sharad Kumar (supra), referred by counsel for petitioner, there was no dispute relating to election of any candidate of Trust. This Court does not have any disagreement with proposition of law settled in the judgment, however, the same was based in different context and wholly on different facts, whereas, in the present suit the controversy between parties revolves around the election dispute. **Under the scheme of Rajasthan Public Trust Act, 1959, there is no specific provision to deal***

with dispute of election in the Trust. Moreso, when an election in the present suit is challenged on the ground of adopting a corrupt practice, and the connivance between the Election Officer and elected candidate, as also several other illegalities/ irregularities alleged in the plaint. This Court finds that such nature of disputes are amenable and to be adjudicated by civil court only, unless and until there is no specific bar under the statute.

7. Hon'ble the Supreme Court in case of **Dhulabhai vs. State of Madhya Pradesh reported in [AIR 1969 SC 78]** has discussed the issue about the jurisdiction of the civil court. Placing reliance on the maxim that "ubi jus ibi remedium", hon'ble the Supreme Court has observed that the civil court has plenary jurisdiction to entertain all kinds of disputes, and ouster of the jurisdiction of civil court may not be readily inferred, unless and until, there is an express bar by any statute. The aforesaid proposition of law expounded by Hon'ble the Supreme Court has been followed in umpteen number of cases subsequently.

8. In view of discussion made hereinabove, the revision petition is devoid of merits and the same is hereby dismissed."

10. In view of the above settled position of law, no case for interference in the order impugned is made out and the revision petition is hence, **dismissed**.

12. Stay petition and pending applications, if any, stand **disposed of**.

(REKHA BORANA),J