

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Civil Revision Petition No. 183/2025

Sohan Lal S/o Sh. Panna Ram, Aged About 44 Years, R/o Bera
Jamadaron Ki Dimadi, Bagadi Nagar, Tehsil Sojat District Pali

-----Petitioner

Versus

1.

Kailash S/o Sh. Durg Singh, R/o Savrad Tehsil Marwad Junction, District Pali
2.

Sonu D/o Durg Singh, R/o Savrad Tehsil Marwad Junction, District Pali
3.

Laxmi Devi D/o Durg Singh, R/o Savrad Tehsil Marwad Junction, District Pali
4.

Bhagwati D/o Durg Singh, R/o Savrad Tehsil Marwad Junction, District Pali
5.

Kamla D/o Durg Singh, R/o Savrad Tehsil Marwad Junction, District Pali
6.

Bhanwari Devi W/o Durg Singh, R/o Village Sirsarwada Tehsil Sojat, District Pali
7.

Temu Devi W/o Vaktaram, R/o Savrad Tehsil Marwad Junction, District Pali
8.

Tehsildar (Land Revenue), Marwad Junction, District Pali
9.

Sub Registrar, Sub Registrar Office Marwad Junction, District Pali.

-----Respondents

For Petitioner(s)	:	Mr. Gopal Sandu
For Respondent(s)	:	Mr. Prashant Tatia with Mr. Rajat Rajpurohit for Mr. Sajjan Singh Rajpurohit

HON'BLE MS. JUSTICE REKHA BORANA

Order

28/03/2026

1. The present revision petition has been filed against order dated 29.05.2024 passed by District Judge, Pali in Civil Original

Suit No.49/2024 whereby application under Order 7 Rule 11 r/w Section 151, CPC r/w Section 207 of Rajasthan Tenancy Act, 1955 as filed by defendant No.7, stood rejected.

2. Two folds arguments were raised by defendant No.7:

- (i) The suit in question was not maintainable before a Civil Court without the plaintiff having got his share declared by a competent Revenue Court;
- (ii) District Court did not have pecuniary jurisdiction to entertain the suit, as the relief prayed for by the plaintiff was only qua his share, which comes out to be 1/7th of the whole property. Meaning thereby, the valuation of the suit, qua his share was Rs.1,48,857/- only and hence, the pecuniary jurisdiction to hear the matter was of a Civil Judge/Magistrate and not the District Court.

3. The reliefs as prayed for by the plaintiff in the suit, read as under:-

"A. वादपत्र के पद संख्या 1 में वर्णित वादस्थ कृषि भूमि का वसीयतनामा दिनांकित 10/01/2024 फर्जी, कुटरचित व विधि विरुद्ध रूप से तैयार कर नोटेरी पब्लिक से तस्दीक करवाया, जो वसीयतनामा वादी के हक व अधिकारों के विरुद्ध शुन्य व निष्प्रभावी होने से **फर्जी व कुटरचित वसीयतनामा दिनांक 10/01/2024 को शुन्य अवैध व निष्प्रभावी घोषित कर निरस्त फरमाया जावे।**

B. स्थाई निषेधाज्ञा इस आशय की सादिर फरमाई जावे कि प्रतिवादी संख्या 8 व 9 वादस्थ कृषि भूमि जिसका उल्लेख वादपत्र के पद संख्या 1 में वर्णित है जिसके सम्बन्ध में तैयार वसीयतनामा दिनांक 10/01/2024 के आधार पर वादस्थ कृषि भूमि का नामान्तरण इन्द्राज नहीं करे तथा प्रतिवादी संख्या 7 उक्त फर्जी व कुटरचित वसीयतनामे के आधार पर वादस्थ कृषि भूमि का

अन्यत्र बैचान अन्तरण, बक्सीस, रहन इत्यादि नहीं करें न ही अन्य से करावे तथा वादस्थ भूमि के स्वरूप में किसी प्रकार का परिवर्तन नहीं करे न ही किसी अन्य नौकर एजेन्ट से करावे तथा प्रतिवादी संख्या 7 वादस्थ दस्तावेज के आधार पर राजस्व रेकर्ड में अपना नाम इन्द्राज नहीं करावे।

C. खर्चा मुकदमा वादीगण को प्रतिवादीगण से दिलाया जावे।

D. अन्य अनुतोष जो न्यायोचित हो वादीगण को प्रतिवादीगण से दिलाया जावे।”

4. A bare perusal of above prayer number A reflects that the plaintiff prayed for declaration of the Will in question to be null and ineffective and further, for cancellation of the same. The said relief has not been limited to his own share. In that view of the matter, the issue regarding territorial jurisdiction as raised by the defendant, is not found to be tenable. The learned Trial Court rightly observed that the defendant would be at liberty to raise objection regarding court fee subsequently in his written statement and the same could be decided only after evidence been led on the same.

5. So far as the maintainability of the suit before the Civil Court without getting the declaration by the plaintiff is concerned, it is not a case of the plaintiff that the property in question is an ancestral property. It is an admitted fact that the father of the plaintiff is the recorded *Khatedar* of the land in question. His father having expired, the land would definitely devolve by succession and the plaintiff is not required to get any declaration in his favour.

6. The finding as recorded by learned Trial Court on the said aspect being totally in consonance with law, does not deserve any interference.

7. No case for interference in the impugned order dated 29.05.2024 passed by District Judge, Pali in Civil Original Suit No.49/2024 is made out. The present revision petition is hence, **dismissed.**

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

(REKHA BORANA),J

163-Ishan/-