

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR

S.B. CIVIL WRIT PETITION NO.4994/1998

Smt. Mohini Bai daughter of Shri Prabhu Lal wife of Shri Babu Lal, aged about 61 years, resident of resident of Village Morana, Tehsil, Deegod, District Kota., do hereby take oath and state as under:-

...Petitioner.

VERSUS

1. Board of Revenue, Ajmer(Raj.).
2. Jagannath (deceased) son of Shri Mathura Lal through legal representatives:-
 - 2/1. Smt. Gulab bai (wife), resident of Village Morana, Tehsil, Deegod, District Kota.
 - 2/2. Shiv Prasad son of Shri Jagannath, resident of Village Morana, Tehsil, Deegod, District Kota.
 - 2/3. Nand Bihari Gautam son of Shri Jagannath, resident of Village Morana, Tehsil, Deegod, District Kota.
3. State of Rajasthan through SDM, Kota (Raj.).

...Respondents.

DATE OF ORDER : 21/11/2016

HON'BLE MR. JUSTICE M.N. BHANDARI

Mr. Dinesh Yadav, for petitioner

Mr. Ram Rakh Sharma for Mr. Bhanwar Bagri, for respondent/s

Learned counsel for private respondents submits that a challenge is made to the order passed by the Board of Revenue though prior to it, the ACM Court so as Revenue Appellate Authority have also decided the case in favour of the private respondents thus concurrent findings of fact have been

recorded by three revenue courts. Subsequent to the order passed by the Board of Revenue, a suit for partition was filed and thereupon compromise decree has been passed thus parties would now be governed by the compromise decree. The copy of the order passed on the partition suit along with decree has been placed on record and was given to the learned counsel for petitioner.

Learned counsel for petitioner submits that he has no knowledge about subsequent suit for partition and compromise decree thereupon. If writ petition is rendered infructuous in view of subsequent development, it should be on the submission of learned counsel for respondents.

I have considered the submissions made by learned counsel for the parties and find that subsequent to the order passed by three revenue courts with concurrent findings of fact, a suit for partition was filed and decreed based on settlement between the parties. The decree for it was passed on 01.12.2006 thus now rights of the parties would be governed by the decree aforesaid.

In view of above, nothing survives in the writ petition and is accordingly, dismissed. A copy of the decree passed on a suit for partition is taken on record.

[M.N.BHANDARI], J.