

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1537/2026

Smt. Kaushlya Devi W/o Shri Chandlal

-----Petitioner

Versus

Narendra Saini S/o Sh. Shankar Lal Saini & Ors.

-----Respondents

For Petitioner(s) : Mr. Rinesh Kumar Gupta
Mr. Sarwat Alam

For Respondent(s) :

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

19/02/2026

The present writ petition has been filed being aggrieved by the order dated 22.01.2025 passed by learned Board of Revenue, Ajmer, vide which the revision petition filed by the petitioner has been dismissed. The said revision petition was preferred against the order dated 05.11.2024 passed by the learned Revenue Appellate Authority, Jaipur, whereby, on an appeal filed by respondent no.1 - Mr. Narendra Saini along with an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay in filing the appeal and an application under Section 96 of the Code of Civil Procedure seeking leave to file the appeal, the effect and operation of the order dated 14.06.2024 passed by Sub-Divisional Officer, Chomu, has been stayed.

Mr. Rinesh Kumar Gupta, learned counsel for the petitioner submits that the order dated 05.11.2024 has been passed by the learned Revenue Appellate Authority in a wholly erroneous manner, inasmuch as prior to considering the stay application

preferred along with the appeal, the application filed under Section 96 of C.P.C. seeking leave to file the appeal, since the applicant was not a party to the proceedings before the S.D.O., Chomu, and the application seeking condonation of delay under Section 5 of the Limitation Act, 1963, were not decided, which was *sine qua non* for entertaining the appeal, much less for passing any order staying the effect and operation of the order dated 14.06.2024.

Learned counsel for the petitioner has also drawn the attention of this Court to the order dated 18.09.2024 passed by the learned Revenue Appellate Authority, Jaipur in Appeal No.802/2024 titled as Pawan Saini Vs. Kaushalya, which was filed by the brother of respondent No.1 on similar grounds and was dismissed.

Learned counsel further submits that the genesis of filing the appeal by respondent No.1 was the transfer of title by the petitioner, Kaushalya Devi, in favour of "Sirohi Grih Nirman Sahkari Samiti" by way of an agreement to sell, whereas the petitioner belongs to the Scheduled Caste community and thus, any such transaction stands specifically barred under Section 42(b) of the Rajasthan Tenancy Act, 1955.

Taking note of the above submissions, issue notice to the respondents, returnable within four weeks.

Notice be sent through registered post in addition to the normal process.

Notice be given '*dasti*' to the learned counsel for the petitioner.

List the matter on 07.04.2026.



In the meanwhile and till the next date, the effect and operation of the order dated 22.01.2025 passed by the learned Board of Revenue, Ajmer and the order dated 05.11.2024 passed by the learned Revenue Appellate Authority, Jaipur shall remain stayed.

(ANUROOP SINGHI),J

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