

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 88/2026

Ramsharan Son Of Shri Beerbal Rawat & Ors.

-----Petitioners

Versus

Ashwini Kumar Son Of Shri Babu Lal & Ors.

-----Respondents

For Petitioner(s) : Mr. Rahul Tiwari

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

23/02/2026

1. While impugning the order dated 17.01.2026 passed by learned Additional District Judge, Bansur, District Kotputli - Behror, in Civil Suit No. 25/2025 titled as '*Ashwani Kumar Vs. Ramsharan and Others*', whereby the application filed by the defendants/petitioners, under Order 7 Rule 11 read with Section 151 of the Civil Procedure Code, 1908 (CPC), was rejected; the learned counsel for the petitioners submits that the learned Court below seriously erred in rejecting the said application while overlooking the averments in para 1 of the plaint. It is evident therefrom that the suit property is an agricultural land bearing *Khasra* No. 131, measuring 0.19 hectares, situated at *Village Baadh Bhawsingh Tan Bansoor, Tehsil Bansoor, District Kotputli - Behror*. He further submits that the mere actual use of the subject land for residential purposes does not change its inherent agricultural nature. He therefore prays that the impugned order dated 17.01.2026 may kindly be quashed and set aside.

2. In order to buttress his contentions, learned counsel for the petitioners relied upon the judgment passed by a Co-ordinate Bench of this Court at Principal Seat, Jodhpur, in ***Sanjeev Vs. Mukta Ram & Anr.***¹ and the judgment passed by a Coordinate Bench of this Court in ***Jagdish Vs. Dinesh & Ors.***².

3. Heard.

4. In view of the submissions made hereinabove, issue notice to the respondents, returnable within six weeks.

5. Notices be filed in two sets. Upon filing the same, one set be sent by ordinary post and another by registered post.

6. List the matter after six weeks.

7. In the meantime, and until further orders, further proceedings in the Civil Suit No. 25/2025 titled as '*Ashwani Kumar Vs. Ramsharan and Others*', pending before the learned Additional District Judge, Bansur, District Kotputli - Behror, shall remain stayed.

8. The interim relief shall effect only after service of notice on the respondents.

(MANEESH SHARMA),J

Seema/22

1 S.B. Civil Second Appeal No.244/2024, decided on 30.05.2025.

2 S.B. Civil Revision No.97/2022, decided on 05.09.2023.