



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 89/2026

1. Laxmi Narayan Son of Raghuveer Singh, aged about 66 Years,
2. Vinod Kumar Son of Laxmi Narayan, aged about 36 Years, Both are resident of Nagla Store, Kaswa Bayana, Tehsil Bayana, District Bharatpur (Rajasthan)

----Petitioners

Versus

1. Dwarika Son of Shri Late Nathua, aged about 78 Years,
2. Chandrabhan Son of Shri Late Nathua, aged about 62 Years,
3. Amar Singh Son of Shri Late Jagan, aged about 54 Years, All are Resident of Village Dhandhrain, Tehsil Bayana, District Bharatpur (Rajasthan)
4. Shribhan Son of Shri Late Nathua, aged about 53 Years, Resident of Village Dhandhrain, Tehsil Bayana, District Bharatpur (Raj.)
5. Smt. Kamla Devi Wife of Shri Laxmi Narayan, aged about 66 Years, Resident of Nagla Store, Kaswa Bayana, Tehsil Bayana, District Bharatpur (Rajasthan)
6. Smt. Guddi Wife of Shri Vinod Kumar, aged about 39 Years, Resident of Nagla Store, Kaswa Bayana, Tehsil Bayana, District Bharatpur (Rajasthan)

----Respondents

For Petitioner(s) : Mr. Dheeraj Singhal
 For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

23/02/2026

1. The present revision petition has been filed by the petitioners, assailing the order dated 13.01.2026 in Civil Suit No.12/2025 titled '*Dwarika and Ors. Vs. Shribhan and Ors.*', passed by the learned Additional District & Session Judge No.1, Bayana, District Bharatpur, whereby the application filed by the defendants/petitioners under Order 7 Rule 11 of CPC along with Section 22 of the Hindu Succession Act, 1956 has been rejected.



2. Learned counsel for the petitioners submits that from the averments of the plaint, it is evident that the plaintiff is seeking a preferential right to purchase in respect of an agricultural land, therefore, the suit filed by the plaintiffs/respondents before the Civil Court is not maintainable. He further submits that the preferential right to purchase under Section 22 of the Hindu Succession Act, 1956, is not applicable to an agricultural land, therefore, the plaint is liable to be rejected in terms of Order 7 Rule 11(d) of CPC, being barred by law.

3. Heard and considered the submissions made by learned counsel for the petitioners and perused the material available on record.

4. From a bare perusal of the averments of the plaint, the application filed by the defendants/petitioners under Order 7 Rule 11 of CPC, and the reply thereto, it is evident that the learned Court below has rightly rejected the application under Order 7 Rule 11 of the CPC, while observing that the bar contained in Section 207 of the Rajasthan Tenancy Act, 1955, applies only to declaration of rights, arrears of rent, lease, arrears of irrigation or compensation for damages/expenditure; whereas the present suit has been filed by the plaintiffs/respondents for declaration of the sale deed dated 13.01.2025 and subsequent gift deed dated 23.04.2025 as being null and void, which cannot be granted by the Revenue Court, thus, it cannot be said that the present suit filed before the Civil Court is barred by the provisions of Section 207 of the Rajasthan Tenancy Act, 1955.



5. Apart from the above, as far as the other ground raised by the learned counsel for the petitioners qua Section 22 of the Hindu Succession Act, 1956, not being applicable to agricultural lands is concerned. The said argument falls flat in view of the judgment passed by the Hon'ble Apex Court in **Babu Ram Vs. Santokh Singh (deceased) through LRs¹**, wherein the Hon'ble Apex Court has held under:

"21. We, therefore, conclude that the preferential right given to an heir of a Hindu under Section 22 of the Act is applicable even if the property in question is an agricultural land....."

(Emphasis Supplied)

6. Thus, in view of the above judgment, the submission of the learned counsel for the petitioner qua the non-applicability of Section 22 of the Hindu Succession Act, 1956, to agricultural lands cannot be accepted.

7. In that view of the matter, this Court is of the considered opinion that the impugned order dated 13.01.2026 does not suffer from any jurisdictional error, perversity or legal infirmity so as to call for any interference by this Court under Section 115 of the CPC.

7. Accordingly, the present revision petition fails and is hereby dismissed.

8. All other pending application(s), if any, stand disposed of.

(MANEESH SHARMA),J

SOURAV /23