

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 124/2025

Prabhu Singh S/o Late Shri Shyoram Ji

-----Petitioner

Versus

Abdul Aziz Mother Sahida Bano Father Mohammad Khan

-----Respondent

For Petitioner(s) : Mr. Dinesh Kumar Garg

For Respondent(s) : Mr. Shamsuddin Ansari

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

30/05/2025

1. The instant revision petition has been filed on behalf of the petitioner against the order dated 17.04.2025 passed by learned Additional Civil Judge No.2, (South) Kota in Civil Suit No.22/2025 (CIS No.138/2025), whereby the application filed by the petitioners under Order 7 Rule 10 CPC, Order 7 Rule 11 CPC and Section 151 CPC has been rejected.

2. The contention of learned counsel for the petitioners is that as per averments made in the plaint, the revenue suit with regard to same subject land filed by Abdul Aziz and Hasan Khan wherein the petitioners were also impleaded parties, has been dismissed. From the averments of the plaint, it is also revealed that in suit No.117/2016 a counter claim of the legal representative of Saeeda Bano is also filed and the same is pending. He further submits that once the Revenue Court had ceased to have jurisdiction over the matter, the present suit filed by the plaintiffs is barred by law and he placed reliance upon a judgment passed by Hon'ble Supreme Court in the matter of **Pyarelal vs. Shubendra Pilonia**

(Minor) Through... decided on 29.01.2019 reported in **AIRONLINE 2019 SC, 2377.**

3. Per contra, learned counsel for the respondents- caveators has supported the impugned order and submits that the present suit is not barred by law.

4. Having heard learned counsel for the parties and perused the material available on record.

5. From bare perusal of the plaint, it is evident that revenue litigation is still pending with regard to the land in question. Therefore, as per the judgment of Hon'ble Supreme Court in the matter of Pyarelal (supra) the present suit filed by the respondents- caveators is prima facie barred by law, therefore, the matter needs consideration.

6. Admit.

7. Service upon remaining respondent Nos.10 to 22 is dispensed with.

8. In the meanwhile further proceedings in Civil Suit No.22/2025 (CIS No.138/2025) pending before learned Additional Civil Judge No.2, (South) Kota shall remain stayed until further orders.

(MANEESH SHARMA),J