

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7236/2024

Smt Prem Bai W/o Shri Hukumchand Nayak, Aged About 55
Years, R/o Itwa Teh Sil Piplda Distt. Kota.

-----Petitioner

Versus

1. Kalulal Verma S/o Gangabishan Bairwa, R/o Balita Residentail Scheme, Kunhadi, Kota P Resently R/o Nohra, Tehsil Ladpura
2. Manju D/o Late Shantibai W/o Ratan Ji Koli, R/o Itwa Tehsil Piplda Distict Kota Presently R/o Methepura Tehsil And Distict Sheopur
3. Rajesh S/o Late Shantibai W/o Ratan Ji Koli, R/o Itwa Tehsil Piplda Distict Kota Presently R/o 106 A, Near Railway Fatak, Sanjay Gandhi Nagar- A, Kota
4. Kanyabai W/o Kalyan Koli, R/o Itwa The. Piplda, Kot
5. Ramcharan S/o Shri Hazarial Bairwa, R/o Indrapuria Tehsilkeshoraipatan, District Bundi
6. State Government, Through Thhsildar, Itwa, Tehsil Piplda, District Kota

-----Respondents

For Petitioner(s)	:	Mr. Pradeep Lata Mathur
For Respondent(s)	:	Mr. Prakash Jha for respondent No.1

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

11/07/2024

1. Counsel for petitioner states that a decree for final partition dated 11.08.2023 has been passed by the Sub-Divisional Officer, Itwa, District Kota, without proper service of notice upon the petitioner who was defendant No.1, whereagainst petitioner preferred appeal before the Revenue Appellate Authority (RAA). Revenue Appellate Authority, during course of appeal vide order

dated 03.10.2023 has stayed the execution of decree. Against this interim order dated 03.10.2023, one of the plaintiffs (respondent No.1 herein) preferred a revision petition before the Board of Revenue. The Board of Revenue vide order impugned dated 29.02.2024 has admitted the revision petition for hearing and stayed the operation of interim stay order dated 03.10.2023, passed by RAA.

2. Counsel for petitioner states that stay order dated 03.10.2023 is interim in nature whereagainst revision petition itself is not maintainable and moreso when the regular appeal, against decree dated 11.08.2023 is pending before RAA to be adjudicated on the merits, Board of Revenue committed illegality and jurisdictional error, in staying operation of the interim order of stay and allowing the execution of final decree.

3. Heard.

4. Issue notice to the respondents.

5. On behalf of respondent No.1, counsel has put in appearance.

5. Let notice be issued to remaining respondents.

6. In the meanwhile, the execution of final decree dated 11.08.2023, shall remain stayed qua petitioner-defendant and parties shall maintain status quo as it exists today.

7. Application (2/2024) seeking to consider stay application earliest, stands disposed of accordingly.

(SUDESH BANSAL),J