

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11338/2026
URN: CW / 25137U / 2026

Harcharan & Ors.

-----Petitioners

Versus

Nannu & Ors.

-----Respondents

For Petitioner(s)	:	Mr. R.K. Daga
For Respondent(s)	:	Ms. Meenakshi Pareek as Caveator

HON'BLE MR. JUSTICE ANAND SHARMA

Order

17/07/2026

Learned counsel for the petitioners submits that suit for declaration and injunction filed by the petitioners was decreed by the Assistant Collector & Magistrate, Nagar, Bharatpur vide judgment and decree dated 09.02.2001 and the appeal filed against such judgment and decree was dismissed by the Revenue Appellate Authority on 19.12.2002 and thereby, the trial Court judgment was affirmed.

Learned counsel further submits that the Board of Revenue, had erroneously held that the earlier suit of the petitioner was dismissed under Order 9 Rule 8, therefore, in view of the provisions of Order 9 Rule 9, fresh suit was barred, and thus has reversed concurrent judgments passed by both the lower Courts. Learned counsel submits that the finding given by the Board of Revenue was apparently against the record for the reason that both the suits as referred in the order of Board of Revenue were relating to altogether different reliefs and even the parties therein

were also different. Hence, provisions of Order 9 Rule 9 does not prohibit the petitioners to maintain the suit, which was decreed by the trial Court and decree of trial Court was affirmed by the Revenue Appellate Authority.

Learned counsel for the petitioner submits that by way of filing review petition, the petitioners pointed out the aforesaid error apparent on the face of the record, yet the review petition has also been dismissed on 29.05.2026.

Learned counsel submits that petitioners are still in possession of land in question and have not yet been dispossessed.

Matter requires consideration.

Issue notices to the respondents, returnable within a period of ten days.

In the meanwhile and till further orders, status quo as obtaining today with regard to land in question shall be maintained.

Let this matter be listed on 29.07.2026.

(ANAND SHARMA),J