

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15212/2025

Madhu Pancholi W/o Pramod Pancholi, R/o Kaithunipol, Tehsil
Ladpura District Kota

-----Petitioner

Versus

1. Girja Shankar S/o Shri Krishna Gopal Ji, R/o Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota
2. Ashish Sharma S/o Late Shri Dinesh Sharma, R/o Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota Since Deceased Through His Legal Heirs
- 2/1. Rajni Sharma W/o Late Shri Dinesh Kumar Ji Sharma, R/o House No. 279, Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota
- 2/2. Rajni Sharma W/o Late Shri Ashish Sharma, R/o House No. 279, Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota Presently R/o Nera Girdharpura Radherani Restaurant, Keshorai Patan Road, Tehsil Ladpura, District Kota
- 2/3. Kartik Sharma S/o Late Shri Ashish Sharma, R/o House No. 279, Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota Presently R/o Nera Girdharpura Radherani Restaurant, Keshorai Patan Road, Tehsil Ladpura, District Kota
- 2/4. Shanaya D/o Late Ashish Sharma, R/o House No. 279, Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota Presently R/o Nera Girdharpura Radherani Restaurant, Keshorai Patan Road, Tehsil Ladpura, District Kota
3. Rajni Sharma W/o Late Shri Dinesh Kumar Ji Sharma, R/o House No. 279, Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota
4. Sushri Shilpa D/o Late Shri Late Shri Dinesh Kumar Ji Sharma, R/o House No. 279, Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota
5. Shweta D/o Late Shri Dinesh Kumar Ji Sharma, R/o House No. 279, Jagannath Bhawan, Mehra Pada, Bajajkhana Rampura Kota
6. Suman W/o Shri Mahaveer Sharma, R/o Gate No. 6 Rajat Greh Colony, Bundi (Raj.)
7. State Of Rajasthan, Through Tehsildar Sahab, Tehsil Ladpura District Kota

-----Respondents

For Petitioner(s) : Mr. Reashm Bhargava, Adv.
For Respondent(s) : Mr. V.D. Gathala, AGC for respondent
No.7

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

03/11/2025

1. Heard.
2. Issue notice.
3. Mr. V.D. Gathala, learned AGC accepts notice on behalf of respondent No.7.
4. Issue notice to respondent Nos. 1 to 6 by both modes i.e. by ordinary process as well as by registered post, returnable within four weeks. Requisites be filed within one week.
5. Learned counsel for the petitioner submits that between the same parties, one Revenue Suit No.159/2013 was instituted by the petitioner-Madhu Pancholi against the Girja Shankar & Ors. for partition, before the Court of learned Sub-Divisional Officer, Kota (hereinafter referred to as learned 'SDO, Kota'), which is still pending before it. It is further submitted that another Revenue Suit No. 41/2014 was filed by respondent No.2 against the Girja Shankar & Ors., which came to be dismissed on 04.12.2014. The Appeal preferred against the decree dated 04.12.2014, was dismissed vide order dated 27.03.2015 by Revenue Appellate Authority, Kota and the Second Appeal was also dismissed vide order dated 19.12.2017 passed by Board of Revenue, Ajmer. Further, Review Petition filed against the order dated 19.12.2017 was also dismissed by Board of Revenue, Ajmer. Thereafter, the

S.B. Civil Writ Petition No. 6109/2019 was filed before this Court against the Revenue Suit No. 41/2014, in which this Court directed both the parties to maintain status quo vide order dated 01.04.2019.

6. Learned counsel for the petitioner contends that the Revenue Suit No. 159/2013, for partition, is still pending in the Court of learned SDO, Kota, wherein, no order was passed by this Court to stay any proceedings, however, on 09.07.2025, the respondents orally submitted that a stay order has been passed in Civil Writ Petition No. 6109/2019, therefore, the proceedings pending before the learned SDO, Kota in suit No. 159/2013, be also stayed.

7. Learned counsel for petitioner further contends that learned SDO, Kota, erroneously stayed the proceedings of Revenue Suit No. 159/2013 vide order dated 09.07.2025, whereas, there was no order passed in this regard.

8. List the matter after four weeks.

9. Till then, the effect and operation of order dated 09.07.2025 passed by learned Sub-Divisional Officer, Kota in Revenue Suit No. 159/2013 shall remain stayed.

(ASHUTOSH KUMAR),J