

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 15812/2024

Peer Ghulam Naseer Son Of Maujam Ali

-----Petitioner

Versus

Gulam Jeelani Son Of Gulam Sarvar Ali

-----Respondent

For Petitioner(s) : Mr. Amit Singh Shekhawat

For Respondent(s) : Mr. Akhil Simlote

HON'BLE MR. JUSTICE BIPIN GUPTA
Order

25/02/2026

1. The present writ petition has been filed assailing the order dated 09.09.2024, passed by learned Civil Judge-cum-Judicial Magistrate, Fatehfur (Sikar), in Civil Suit CIS No. 90/2023, whereby the application filed by the applicant-petitioner under Order 1 Rule 10 CPC has been rejected.

2. Learned counsel for the petitioner submits that, by misrepresenting the property in the plaint and showing the disputed property as part of Khasra No. 1040, the plaintiff-respondents are attempting to obtain a collusive decree.

3. Learned counsel for the petitioner further submits that the property shown in the map annexed to the plaint is actually Khasra No. 1038, which has been held to be Dargah property up to Hon'ble Apex Court.

4. The controversy between the parties is narrow. Both parties agree that if Khasra No. 1040, on which the plaintiff-respondent claims a right in the suit, is measured, the correct status and

boundaries of the property may be determined by the revenue authorities.

5. In view of the above agreement and for proper adjudication of this writ petition, this Court directs the District Collector, Sikar, to form a team of appropriate Revenue Officer and get Khasra No. 1040 measured and demarcated. Further the team shall report whether the suit land shown in the plaintiff's map corresponds to which khasra Number.

6. The above exercise shall be carried out by the concerned Collector within a period of 60 days from the date of receipt of the certified copy of this order. Both parties are at liberty to approach the Collector with the certified copy of this order.

7. It is further clarified that the Collector shall fix a date for measurement and inform the parties, who shall be present at the site.

8. List this matter after 90 days.

9. Interim order, if any, to continue till the next date of hearing.

(BIPIN GUPTA),J