

THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT**JAIPUR BENCH, JAIPUR****ORDER****S.B.CIVIL REVISION PETITION NO.72/2008.***Tej Singh.***VERSUS***Sardar Uttam Singh & Others.***23.04.2008.****HON'BLE MR.JUSTICE DALIP SINGH**

Mr.Neeraj K.Tiwari, for the petitioner.

Heard learned counsel for the petitioner.

This revision petition has been preferred against the order dated 14.11.2007 by which the application filed by the petitioner under Order 7 Rule 11 C.P.C. has been dismissed.

The objection of the petitioner is that the land in question is agricultural land and he has produced certain revenue entries in that behalf to substantiate the case that the land is agricultural land and the Civil Court has no jurisdiction to entertain the suit by virtue of the provisions contained in Section 207 read with the Schedule to the Rajasthan Tenancy Act, 1955.

Learned trial court has taken into consideration the plaint averments and in the plaint it has been stated that the land in dispute is a plot measuring 60 x 40 ft. which was allotted by the Gram Panchayat to one Ratanlal Soni son of Shankarlal Soni who purchased the same in an open auction and the patta was granted to him. There is a dispute as to whether the disputed land comprises the

aforesaid plot which was auctioned by the Gram Panchayat in favour of Ratanlal Soni or the same is part of the land which is claimed by the defendant-petitioner which is different from the plot of land allotted to Ratanlal Soni by the Gram Panchayat treating it as abadi land.

Learned counsel for the petitioner sought to rely upon certain documents including the certificate issued by the Patwari to substantiate his case.

The learned trial court has taken into consideration the provisions contained in Order 7 Rule 11 clause (d) of C.P.C. and has come to the conclusion that at the stage of determination of the application under Order 7 Rule 11 C.P.C. the court is required to see only the plaint averments and not take into consideration the evidence or documents which are filed by the defendant seeking to raise objections under Order 7 Rule 11 C.P.C.

In the facts and circumstances of the present case, having gone through the impugned order, I am not inclined to interfere with the impugned order as there does not appear to be any jurisdictional error having been committed by the learned trial court.

Consequently, the revision petition as well as the stay application are dismissed summarily.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.