

ITEM NO.7 Court 10 (Video Conferencing) SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 1504/2021

(Arising out of impugned final judgment and order dated 05-08-2020 in SBCSA No. 126/2020 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

BAAG SINGH & ORS. Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.10364/2021-EXEMPTION FROM FILING O.T.)

Date : 04-02-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Ms. Astha Deep, Adv.
Mr. A. Radhakrishnan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The High Court, on going through the material on record, rightly observed that the provisions of Section 207 of the Rajasthan Tenancy Act, 1955 (for short, 'the Act') bars jurisdiction of civil courts to take cognizance of any suit based on cause of action in respect of which relief could be obtained by means of a suit filed before the revenue courts. Section 207 of the Act reads as under :

"207. Suits and applications cognizable by revenue court only—(1) All suits and application of the nature specified in the Third Schedule shall be heard and determined by a revenue court.

(2) No court other than a revenue court shall take cognizance of any such suit or application or of any suit or application based on a cause of action in respect of which any relief could be obtained by means of any such suitor application.

Explanation— If the cause of action is one in respect of which relief might be granted by the revenue court, it is immaterial that the relief asked for from the civil court is greater than, or additional to, or is not identical with, that which the revenue court could have granted."

The Trial Court, without adverting to the provisions of Section 207 of the Act, dismissed the suit of the petitioners on merits, after recording certain findings which, according to the petitioners, would adversely affect them.

The First Appellate Court as well as the High Court, after noticing the provisions of Section 207 of the Act, rightly came to the conclusion that the suit filed by the Civil Court was barred. We see no reason to interfere with the aforesaid finding.

Considering the fact that the civil suit was decided by the Trial Court on merits, even though the same was barred under Section 207 of the Act, we dispose of this Special Leave Petition with the observations that in case any suit is preferred by the petitioners before the Revenue Court, the findings recorded by the Trial Court in its judgment and order dated 26.11.2019 will not have any binding effect and the same may be decided in accordance with law, without being influenced by the findings of the Trial

Court on merits.

Pending applications, if any, stand disposed of accordingly.

**(GULSHAN KUMAR ARORA)
AR-CUM-PS**

**(R.S. NARAYANAN)
COURT MASTER**