

ITEM NO.4 Court 8 (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). 6572/2020

(Arising out of impugned final judgment and order dated 13-11-2019 in SBCWP No. 5479/2018 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

URBAN IMPROVEMENT TRUST UDAIPUR Petitioner(s)

VERSUS

KHEMRAJ SINCE DECD. THROUGH HIS LRS & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.47494/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.47493/2020-EXEMPTION FROM FILING O.T.)

Date : 19-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. B. Adinarayana Rao, Sr. Adv.
Ms. Aruna Gupta, AOR
Mr. Ramesh Allanki, Adv.
Mr. Syed Ahmad Naqvi, Adv.
Ms. Rupali Sharma, Adv.

For Respondent(s)

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

On the question of plaint being rejected under Order VII Rule 11, CPC, we are sought to be made the fifth tier of scrutiny under Article 136 of the Constitution of India, when three Courts below have held that such an application would not be maintainable though the trial Court rejected the plaint.

We do not think this is a case for exercise of jurisdiction under Article 136 of the Constitution.

The Special Leave Petition is accordingly dismissed.

Pending applications stand disposed of.

We make it clear that we are not expressing any opinion on the merits and on framing of issues, whether any issue has to be tried as a preliminary issue or not will be a matter on which the call will be taken by the revenue Court.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)