HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13997/2025
CNR: RJHC020751142025 | URN: CW / 31554U / 2025

Chhitarmal Son Of Late Shri Munnaram, Aged About 49 Years, Resident Of Village Gogawas, Tehsil Dataramgarh, District Sikar (Rajasthan).

----Petitioner

Versus

1 Laxman Ram Son Of Heera Ram, Aged About 38 Years, Resident Of Village Gogawas,tan- Motalawas, Tehsil Datanramgarh, District- Sikar (Rajasthan).

2 Govind Ram Son Of Heera Ram, Resident Of Village Gogawas, Tan- Motalawas, Tehsil Datanramgarh, District- Sikar (Rajasthan).

3 Heera Ram Son Of Khetaram, Aged About 81 Years, Resident Of Village Gogawas, Tan Motalwas, Police Station And Tehsil- Dantaramgarh, District- Sikar (Rajasthan) Since Deceased Through Legal Representatives-

3.1 Mangli Devi Daughter Of Heera Ram Wife Of Banshiram, Resident Of Village Gogawas, Tehsil Dantaramgarh, Gram Panchayat Motalawas, District- Sikar (Rajasthan).

3.2 Rama Devi Daughter Of Heera Ram Wife Of Phool Chand, Resident Of Village Gogawas, Gram Panchayat Motalawas, Tehsil Dantaramgarh, District- Sikar (Rajasthan).

3.3 Shanti Devi Daughter Of Heera Ram Wife Of Pokharmal, Resident Of Village Keshav Ka Bas, Gram Panchayat Dansroli, Tehsil Dantaramgarh, District- Sikar (Rajasthan).

3.4 Manni Devi Daughter Of Heera Ram Wife Of Kanaram, Resident Of Village Keshav Ka Bas, Gram Panchayat Dansroli, Tehsil Dantaramgarh, District- Sikar (Rajasthan).

3.5 Manju Devi Daughter Of Heera Ram Wife Of Shrawan Lal, Resident Of Village Keshav Ka Bas, Gram Panchayat Dansroli, Tehsil Dantaramgarh, District- Sikar (Rajasthan).

3.6 Barji Devi Daughter Of Heera Ram Wife Of Noparam, Resident Of Village Keshav Ka Bas, Gram Panchayat Dansroli, Tehsil Dantaramgarh, District- Sikar (Rajasthan).

3.7 Geeta Devi Daughter Of Heera Ram Wife Of Rajendra, Resident Of Village Renwal, Tehsil Renwal, Ward No. 32, Pachar Road, District- Jaipur (Rajasthan).

3.8 Dhapu Devi Daughter Of Heera Ram Wife Of Banwari, Resident Of Village Renwal, Tehsil Renwal, Ward No. 32, Pachar Road, District- Jaipur (Rajasthan).

3.9 Sukhali Devi Daughter Of Heera Ram Wife Of Kanaram,

Resident Of Village Renwal, Tehsil Renwal, Ward No. 32, Pachar Road, District- Jaipur (Rajasthan).

4 Karan Singh S/o Shri Samunder Singh, Aged About 44 Years, Resident Of Village Gogawas, Tehsil Dataramgarh, District Sikar (Rajasthan)

5 Smt. Sayar Kanwar D/o Late Shri Bhairon Singh Wife Of Shri Gopal Singh, Aged About 72 Years, Resident Of Village Gogawas, Tehsil Dataramgarh, District Sikar (Rajasthan) (Both Impleaded Through Registered Power Of Attorney Holder Shri Yogendra Singh Shekhawat S/o Shri Pritam Singh Shekhawat, Resident Of Ward No. 11, Village Gogawas, Tehsil Dataramgaarh, District Sikar, Rajasthan.)

----Respondents

For Petitioner(s)	:	Mr. Amit Singh Shekhawat
For Respondent(s)	:	Mr. Abhi Goyal Ms. Meenal Bhargava(for respondents No.1 & 2) Mr. Pranav Pareek Mr. Aman Lodha(for respondents No.4 & 5)

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

07/09/2026

1. By means of filing instant writ petition under Article 227 of the Constitution of India, petitioner has made following prayer:

> "It is, therefore, most respectfully prayed that in the interest of justice, Your Lordships may graciously be pleased to accept and allow this writ petition and;-
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> (i) By an appropriate writ, order or direction, quash and set aside order dated 22.12.2024 passed by National Lok Adalat Bench No.2 Dantaramgarh, District Sikar in civil suit no.69/2024 titled Laxmanram & ors versus Heeraram and consequently quashed and set aside the decree dated 11.08.2025 passed by Additional District & Sessions Judge Dantaramgarh District Sikar passed in civil suit no.69/2024 titled Laxmanram & ors versus Heeraram and consequently may kindly quash & set aside entire proceeding carried

out before the National Lok Adalat in civil suit no 69/2024 titled Laxmanram & ors versus Heeraram.

(ii) By an appropriate writ, order or direction Quash and set aside order dated 21.12.2024 (Annexure-3) passed by Additional district & Sessions Judge Dantaramgarh, District Sikar in civil suit no.69/2024 titled Laxmanram & ors versus Heeraram.

(iii) By an appropriate writ, order or direction Quash and set aside order dated 22.12.2024 (Annexure-4) passed by Additional district & sessions judge Dantaramgarh, District Sikar in civil suit no.69/2024 titled Laxmanram & ors versus Heeraram.

(iv) By an appropriate writ, order or direction Quash and set aside order dated 11.08.2025 passed by Additional District & Sessions Judge Dantaramgarh District Sikar passed in civil suit no.69/2024 titled Laxmanram & ors versus Heeraram and directed the court to decide the suit on merit allowing the petitioner to participate in the suit proceeding.

(v) By an appropriate writ, order or direction quash and set aside decree.

(vi) Any other appropriate order or direction which this Hon'ble Court may consider just and proper in the facts and circumstances of the case may also kindly be passed in favour of the humble petitioner."

2. Heard counsel for petitioner, counsel appearing on behalf of respondents No.1 & 2 so also for respondent Nos.4 & 5 and perused the record including the orders impugned herein.

3. It appears that respondent No.1 & 2 viz. Laxman Ram & Govind Ram are natural sons of Heera Ram and they filed a civil suit bearing No.69/2024 for specific performance of contract on 16.12.2024 against their father Heera Ram before the Court of Additional District Judge, Dantaramgarh, District Sikar. This civil suit was filed based on an agreement to sell dated 02.10.2024 allegedly executed by Heera Ram in favour of his two sons viz. Laxman Ram & Govind Ram in respect of agricultural lands in question detailed out in para No.1 of the suit.

3. It appears that in the civil suit, a written compromise was arrived at between the parties and based on that compromise, the suit was decreed in favour of plaintiffs vide judgment dated 21.12.2024 passed by Additional District Judge, Dantaramgarh, District Sikar. In the judgment dated 21.12.2024, the compromise was made part of the decree.

It appears that after attestation of compromise and decreeing the civil suit based on compromise, for the purpose of disposal, the suit was ordered to be listed before the National Lok Adalat scheduled on next date i.e. 22.12.2024. Before National Lok Adalat, an order-sheet came to be drawn that since parties have entered into compromise in order to settle the dispute in the spirit of Lok Adalat and do not want any further proceedings in the suit accordingly, the suit was recorded to be disposed of as withdrawn.

4. It appears that on 22.12.2024 itself, petitioner moved an application before Additional District Judge, Dantaramgarh, District Sikar, praying not to decide the suit finally before National Lok Adalat. This application came to be dismissed by the Additional District Judge, Dantaramgarh, District Sikar vide order dated 11.08.2025, however, simultaneously, the Court observed in the postscript note that the civil suit has already been decreed vide judgment dated 21.12.2024, in terms of compromise, but erroneously or inadvertently, in the order-sheet of National Lok Adalat drawn on 22.12.2024 it came to be mentioned that suit stands withdrawn in view of compromise, which was not warranted at all. Hence, it was made clear that decree be framed

in terms of the judgment dated 21.12.2024 passed by Additional District Judge, Dantaramgarh, District Sikar.

5. Submission of counsel for petitioner is that once the civil suit has been noted to be withdrawn before the National Lok Adalat as per the order-sheet of National Lok Adalat dated 22.12.2024, the direction of the Additional District Judge, Dantaramgarh, District Sikar passed on 11.08.2025 to frame a decree as per judgment dated 21.12.2024 stands arbitrary and without jurisdiction as such the judgment and decree dated 21.12.2024, so also the order dated 11.08.2025 passed by the Additional District Judge, Dantaramgarh, District Sikar, be quashed.

Further submission of counsel for petitioner is that since in respect of the agricultural lands in question, which are detailed out in para No.1 of the civil suit, petitioner has filed a revenue suit before the Sub-Divisional Officer, Dantaramgarh, District Sikar way back on 11.03.2014 which is still pending. In the revenue suit, a stay application under Section 212 of Rajasthan Tenancy Act, 1955 was filed, wherein interim stay order dated 24.03.2014 was passed by SDO and Mr. Heera Ram, who is defendant in the present civil suit, moved an application for impleadment in the stay application, which was allowed and on his prayer, the interim stay order dated 24.03.2014 was vacated to the extent of recording the mutation of portion of land in favour of Heera Ram. Learned counsel submits that in that respect, litigation is pending between the petitioner and Heera Ram (now deceased and represented through legal representatives including the respondents No.1 & 2 herein who happens to be his natural sons). Hence, during pendency of such litigation and operation of interim

stay orders therein, a collusive civil suit has been filed by respondent No.1 & 2 against their father-Heera Ram and by way of entering into a collusive compromise, suit has been got disposed of before the National Lok Adalat, vide order dated 22.12.2024, therefore in that view, the order of National Lok Adalat, disposing of the civil suit in terms of compromise itself stands bad and without jurisdiction as such be also quashed.

6. *Per contra*, counsel appearing on behalf of respondent Nos.1 & 2 pointed out that indeed Heera Ram (now deceased) was a recorded khatedar for his share in the lands in question and petitioner, by using signatures of Heera Ram, got an Exchange Deed registered in his favour and thereafter filed revenue suit claiming partition of the lands in question. Learned counsel submits that the mutation entered in the name of petitioner based on the false exchange deed, was challenged by Heera Ram and same was directed to be cancelled by the concerned Tehsildar, on a condition that if there is no operating stay order of any Court, but due to interim order passed by the SDO, Dantaramgarh, District Sikar, Exchange deed was not cancelled, which was later on, cancelled by the District Collector, Sikar. Therefore, the mutation entries in the name of Heera Ram, in respect of lands in question in the revenue record was required to be restored, but on account of operation of the interim stay order dated 24.03.2014 passed by SDO in that application under Section 212 of the Rajasthan Tenancy Act, 1955 appended with the revenue suit for partition filed by petitioner, the mutation was not allowed to be restored, hence, Heera Ram moved an application seeking his impleadment in the application for stay before the Revenue Court,

which was granted and finally the interim stay order dated 24.03.2014 was modified to the extent of recording the mutation entries in the name of Heera Ram.

7. Learned counsel appearing on behalf of respondents No.1 & 2 further pointed out that indeed in this writ petition, challenge has been made to the judgment and decree dated 21.12.2024 passed in Civil Suit No.69/2024 based on compromise by the Court of Additional District Judge, Dantaramgarh, District Sikar, which has been made clear by the Court vide order dated 11.08.2025, hence, against the judgment and decree, writ petition under Article 227 of the Constitution of India is not maintainable rather petitioner may avail the statutory remedy of appeal as available under Section 96 of CPC.

8. In respect of challenge to the order dated 22.12.2024, passed by the National Lok Adalat, learned counsel for respondents No.1 & 2 pointed out that National Lok Adalat did not/could not pass any order disposing of the civil suit because the suit has already been decreed as per compromise between the parties and a day prior thereto, i.e. 21.12.2024, by the Additional District Judge, Dantaramgarh, District Sikar and this aspect has been clarified by the Civil Court vide order 11.08.2025. Hence, the order-sheet/order dated 22.12.2024 drawn by the National Lok Adalat is *non est* and does not govern the rights of parties in any manner, hence, the writ petition, in the guise of assailing the order of National Lok Adalat dated 22.12.2024, is misconceived and deserves to be dismissed.

9. On behalf of respondents No.4 & 5, learned counsel has put in appearance and submits that the respondents have no concern

with the inter se dispute between the petitioner and legal representatives of Heera Ram (now deceased) and the respondents got their impleadment only because they were affected by the interim stay order dated 19.09.2025 passed in this writ petition.

The submission of counsel for respondents No.4 & 5 is that as soon as this writ petition is disposed of, the stay order dated 19.09.2025 is vacated, the respondents No.4 & 5 have nothing to say on merits.

10. Having pondered over the rival submissions made by and on behalf of both sides and as noted hereinabove, this Court finds force in the submission of counsel for respondents No.1 & 2 that the present civil suit itself had been decided and decreed vide order dated 21.12.2024 by the Additional District Judge, Dantaramgarh, District Sikar in terms of compromise arrived at between the parties to the suit. A perusal of the order dated 21.12.2024 clearly reveals that the Additional District Judge, Dantaramgarh, District Sikar attested the compromise and directed that the civil suit stands decreed in terms of compromise, however, only for the purpose of final disposal, civil suit was referred to be listed before the National Lok Adalat, scheduled on the next date i.e. 22.12.2024.

11. The order-sheet of 22.12.2024 drawn by the National Lok Adalat merely records that parties had already entered into compromise and do not want any further proceedings in the civil suit accordingly suit was disposed of as withdrawn. Indeed, the civil suit had already been decreed by the Additional District Judge, Dantaramgarh, District Sikar on a previous date i.e.

21.12.2024 in terms of compromise, therefore, it was no more required for the National Lok Adalat to draw an order-sheet on 22.12.2024, recording withdrawal of civil suit. Further, this aspect has been made clear by the Additional District Judge, Dantaramgarh, District Sikar in its subsequent order dated 11.08.2025, while dismissing the petitioner's application moved before the Court for not recording the compromise on 22.12.2024. The Court has specifically noted in the order dated 11.08.2025 that the compromise has already been attested and taken on record by the Court on 21.12.2024, therefore, the application filed by petitioner on 22.12.2024, making a prayer not to attest or decide the suit in terms of compromise, is misconceived. Further vide order dated 11.08.2025, Court has observed that decree in the civil suit be framed, pursuant to the judgment and order dated 21.12.2024 passed by the Court decreeing the civil suit based on compromise.

12. Thus, it is more than clear from the record that the order-sheet drawn by the National Lok Adalat on 22.12.2024 is *non est* and does not determine the rights of parties in either way since admittedly and undisputedly, petitioner was neither party to the suit nor to the compromise entered into between the parties to the suit, hence, the rights of petitioner, which are yet to be adjudicated in the revenue suit for partition pending before the Court of SDO, Dantaramgarh, District Sikar, do not affect in any manner by the alleged compromise entered into between the parties to the civil suit nor by the order-sheet dated 22.12.2024 drawn by the National Lok Adalat. In that view, filing of instant writ petition in the guise of challenging the order of National Lok

Adalat dated 22.12.2024, is no more warranted and can not be sustained.

As far as challenge to the judgment and order dated 21.12.2024 whereby and whereunder, the civil suit has been decreed based on compromise and consequential challenge to the order dated 11.08.2025 passed by the Additional District Judge, Dantaramgarh, District Sikar is concerned, petitioner is free to avail the statutory remedy of first appeal thereagainst if so desired but obviously after seeking leave by the Appellate Court in accordance with law.

13. This order has been passed by this Court as per material available on record and as per mutual understanding arrived at between learned counsels for the parties, during course of hearing, hence, be considered as a consent order.

14. With the aforesaid observation & liberty, the instant writ petition stands finally disposed of.

15. The interim stay order dated 19.09.2025 stands vacated.

16. All pending application(s), if any, stand(s) disposed of.

(SUDESH BANSAL),J

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