

**Devilal Vs. Chander Singh**

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**SooperKanoon Citation :** [sooperkanoon.com/750398](http://sooperkanoon.com/750398)

**Court :** Rajasthan

**Decided On :** Aug-28-1972

**Reported in :** AIR1973Raj1; 1972()WLN571

**Judge :** Jagat Narayan, C.J.,; B.P. Beri and; P.N. Singhal, JJ.

**Acts :** Rajasthan Municipalities Act, 1959 - Sections 4

**Appeal No. :** Civil Revn. No. 546 of 1970

**Appellant :** Devilal

**Respondent :** Chander Singh

**Advocate for Def. :** M.M. Singhvi, Adv.

**Advocate for Pet/Ap. :** S.R. Bhandari, Adv.

**Judgement :**

ORDER

1. This is a reference by one of us arising out of a revision application filed by the defendant against an order of Munsif City, Jodhpur, holding that he has jurisdiction to try the suit.

2. By notifications dated 2-6-1950 and 19-9-1950 there are two courts of Munsifs at Jodhpur -- Court of Munsif City and Court of Munsif District. Their jurisdictions are as follows :--

'Court of Munsif City ..... Jodhpur City Court of Munsif District .....Jodhpur Sub-Division (excluding Jodh-pur City and Bilara Tehsil).'

It is not disputed that by Jodhpur City is meant the territorial limits of the Jodhpur Municipality.

3. The subject-matter of the present suit is a house situated in Maha-znandir area. In the year 1950 it was outside the municipal limits of Jodhpur. When the present suit was instituted Mahamandir had been included in Jodhpur City.

4. The trial Court has held that as the area is now included in Jod'hpur City, the Court of Munsif City has jurisdiction to try the present suit,

5. On behalf of the defendent reliance was placed on a Division Bench decision of this Court in Gopi Lal v. Hira Chand, ILR (1956) 6 Raj 694 in which it was held that the jurisdiction of Civil Courts continued to remain over those areas over which different courts exercised jurisdiction in consequence of the above notifications soon after their publication. This reference is made for a reconsideration of the above decision.

6. We have reconsidered the decision in the light of arguments advanced by the learned counsel for the parties. We are of the opinion that the law laid down in it is correct. The Court of Munsif City, therefore, had no jurisdiction to, entertain the present suit.

7. It is, however, no longer necessary to return the plaint for presentation to the proper court as the court of Munsif City has since acquired jurisdiction over Mahamandir area by virtue of notification No. F.2(3)Jud/72 dated the 18th May, 1972. Note 2 of that notification runs as follows :--

'The expression 'city' refers to the area included in the municipality as constituted from time to time under the Rajasthan Municipalities Act, 1959, Rajasthan Act (33 of 1959) or any other law for the time being in force'.

We accordingly, decide the revision application as indicated above. We leave the parties to bear their own costs of it.

