



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 840/2025

Umakant Sharma Son of Late Shri Harbaksh Lal, aged about 74
Years, Resident of Gram Raut, Tehsil Mahwa District Dausa (Raj.)

-----Petitioner

Versus

1. Om Prakash Sharma Son of Shri Harbaksh Lal, aged about 70 Years, Resident of 28A, Ashok Vihar Extension, Near Arjun Nagar Phatak, Jaipur And 62 Ashok Vihar Extension, Near Arjun Nagar Phatak, Jaipur Rajasthan.
2. Kishore Lal Son of Shri Sampatram, Resident of Gram Raut, Tehsil Mahwa District Dausa Rajasthan
3. Prakash Son Of Ramswaroop, Resident Of Gram Raut, Tehsil Mahwa District Dausa Rajasthan
4. Udaibhan Son Of Ramswaroop, Resident Of Gram Raut, Tehsil Mahwa District Dausa Rajasthan
5. Lalu Son Of Ramswaroop, Resident Of Gram Raut, Tehsil Mahwa District Dausa Rajasthan
6. Mukesh Son Of Ramswaroop, Resident Of Gram Raut, Tehsil Mahwa District Dausa Rajasthan
7. Ashok Son Of Jagdish Bhardwaj, Resident Of Mahwa District Dausa Rajasthan
8. Gopal Meena Son Of Shri Ramlal Meena, Resident Of Gram Raut, Tehsil Mahwa District Dausa (Raj.)
9. Uco Bank, Through Branch Manager Mahwa Tehsil Mahwa District Dausa (Rajasthan)
10. State Of Rajasthan, Through Tehsildar Mahwa District Dausa (Raj.)

-----Respondents

For Petitioner(s) : Mr. Hari Krishna Sharma

For Respondent(s) : Mr. Devendra Kumar Sharma

JUSTICE ANOOP KUMAR DHAND

Order

27/05/2025

Reportable

1. An independent and efficient judiciary is the bedrock of any democracy. In India, the increasing complexity of legal disputes,



burgeoning caseloads and evolving dimensions of justice delivery have necessitated continuous judicial education.

A robust, independent and efficient judiciary is indispensable to a functioning democracy. In India, the judiciary and quasi-judicial authorities play a pivotal role in upholding the Constitutional value, thereby safeguarding rights and ensuring justice. However, with increasing caseloads, the emergence of complex issues and fast-changing socio-economic landscape, the role of a Judicial Officer or a Presiding Officer has evolved far beyond traditional legal interpretation. Such Officers are often required to interpret and apply laws that are not only voluminous but also dynamic.

Judicial behavior is as crucial as judicial knowledge. Judicial Training ensures that Officers are well versed with the current legal developments, helping them to deliver timely and just decisions. A Judge's conduct influences public perception of the judiciary. Training programs focus on ethical standards, impartiality and sensitivity.

2. This Court is constrained to observe that the instant case is a classic and glaring textbook example of obstination exhibited by the Revenue Courts, who often overlook and bypass the procedure laid down for deciding the suit, and then they also justify their inaction for doing so.

3. In the instant writ petition, a challenge has been led to the impugned order dated 02.07.2021 passed by the Sub Divisional Officer, Mahwa, District Dausa (for short, 'the SDO') by which a suit for partition and permanent injunction filed by the plaintiff-respondent- Om Prakash (hereinafter referred to as "the plaintiff")



has been decreed without framing the issues and also without recording the evidence of both sides. The aforesaid order was assailed by the defendant-petitioner (hereinafter referred to as 'the defendant') before the first and second Appellate Court by way of filing first and second appeal, however the same were also rejected by the Revenue Appellate Authority (for short, 'the RAA') and the Board of Revenue (for short, 'the Board') vide judgments dated 07.12.2021 and 11.11.2024 respectively.

4. Counsel for the defendant submits that the plaintiff filed a suit for partition and permanent injunction against the defendant wherein the defendant resisted the suit and submitted written statement and denied the averments made in the plaint, however, the remaining defendants did not submit any written statement. Counsel submits that their opportunity of filing the written statement was closed on the very same day and the impugned order has been passed and the suit filed by plaintiff has been decreed, without framing any issue and also without recording the evidence of either side. Counsel submits that in order to decide a suit, which is contested by the parties, it is the bounden duty of the Court to frame issues in accordance with Order 14 of the Civil Procedure Code (for short, 'the CPC') based on the pleadings of the parties. Once the issues are framed, the burden of proof must be allocated on the party concerned accordingly, followed by the recording of evidence. The suit should then be decided based of the evidence so recorded by the Court. But, in the instant case, without following the above mandatory process, straightway the impugned order has been passed by the



SDO, which is not sustainable in the eyes of law and is liable to be quashed and set aside.

5. Per contra, counsel for the plaintiff opposed the arguments raised by counsel for the defendant and submitted that the defendant was not having any right or title over the property in dispute as the said property in dispute was in the name of the plaintiff in the revenue records and all this fact was well-appreciated by the Trial Court while passing the impugned order dated 02.07.2021, which has rightly been upheld by the First Appellate Court and further by the Second Appellate Court. Counsel submits that hence under such circumstances, neither issues were required to be framed nor evidence was required to be recorded by the trial Court, thus, interference of this Court is not warranted and the present writ petition is liable to be rejected.

6. Heard and considered the submissions made at Bar and perused the material available on record.

7. This fact is not disputed by the parties that a revenue suit for partition and permanent injunction was submitted by the plaintiff against the defendants before the Trial Court i.e. Sub Divisional Officer, Mahwa, District Dausa. This fact is also not in dispute that the petitioner- defendant submitted the written statement resisting the said suit and denied the averments made therein. This fact is also not in dispute that the remaining defendants did not file any written statement before the Court. This fact is also undisputed that opportunity of filing written statement by the remaining defendants, was closed and on the very same day, without framing the issues and without recording the evidence of



either side, the suit filed by the plaintiff was decreed by the Trial Court vide order dated 02.07.2021.

8. Now, the legal issue which remains for consideration before this Court is that "whether a contested suit can be decreed without framing any issue and without recording the evidence of both the sides?"

9. The scheme of the Code of Civil Procedure from the stage of pleadings after the appearance of the parties till the stage of disposal of the suit by means of a judgment are very clear from Order VI to Order XX of C.P.C. Order VI deals with pleadings generally, Order VII deals with plaint, Order VIII the written statement and Order IX appearance of parties and the consequences of non-appearance. By the time of compliance up to order IX of C.P.C., the pleadings will be completed. It is at that stage, Order X comes into play. Under Order X the Court gets a task to examine the parties and the pleadings to know whether the allegations in the pleadings are admitted or denied. For that purpose there could be oral examination of the party or a Pleader, substance of the examination may be recorded and the consequences of refusal or inability of pleader to answer will be examined. Thereafter, there will be discovery and inspection of documents and facts by interrogatories etc. Then comes Order XIII of C.P.C. to explore the possibility of proof of facts by admission of parties. Order XIII C.P.C. would dispose of the stage of production of documents when they are not produced at the proper time either to condone the delay or not to condone the delay. Thus, from Order VI to Order XIII of C.P.C. the building up of records, conclusions on basic materials, subjection of the



parties to the controversies and admissions, the discovery and inspection of facts and the production, impounding and the return of documents will be completed. It is thereafter, order XIV of C.P.C. comes into play which is the relevant part for this case. The suit judicially moves with the direction to issue summons for settlement of issues or for final disposal (Order VI Rule 5 of C.P.C.).

10. Order XIV of C.P.C. deals with settlement of issues and determination of the suit on issues of law or issues agreed upon. The provisions in this Order enable the court and the parties to settle down to know the matters in controversy, put them in a proper form, fix the burden on the parties to prove on particular issues, then allow them to lead the evidence and thereafter decide the matter after trial leading to the judgment. Interestingly enough, 'issues' are not defined in the Evidence Act, but 'facts in issue' is defined as follows:

"Facts in issue" means and includes - any fact from which, either by itself or in connection with other fact, the existence, non-existence, nature or extent of any right, liability or disability asserted or denied in any suit or proceeding, necessarily follows;

Explanation:— Whenever under the provisions of the law for the time being in force relating to civil procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue."

11. A simple reading of this provision means, that facts in issue would be already existing between the parties when the pleadings are complete and the discovery and inspection of facts and documents are presented before the court. It is at that stage, the court would put such facts in issue in a particular form called "issues". That is how Order XIV (1)(1) explains 'issues' to mean—



“Issues arise when a material proposition of fact or law is affirmed by one party and denied by the other.”

12. It is further explained in sub-clause (2) of Rule 1 of Order XIV that material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue or a defendant must allege in order to constitute his defence. That is how sub-clause (3) of Rule 1 of Order XIV declares that each material proposition affirmed by one party and denied by the other, shall form the subject of a distinct issue. Obviously as mentioned in sub-clause (4) of Rule 1 supra, there will be two categories of issues - (a) issues of fact and (b) issues of law. Sub-clause (5) of Rule 1 supra reads as follows:

“At the first hearing of the suit the Court shall after reading the plaint and the written statements, if any, and after examination under Rule 2 of Order X and after hearing the parties or their Pleaders, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to depend.”

(emphasis supplied).

13. On the face of it, there is a mandate in the rule. The court is bound to frame issues based on the pleadings. Rule 3 of Order XIV of C.P.C. gives a guideline as to the materials from which, issues may be framed namely—

(a) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties,

(b) allegations made in the pleadings or in answers to interrogatories delivered in the suit,



(c) the contents of documents produced by either party.

14. In other words when these materials are produced before the Court in accordance with the provisions stated supra, the Court is bound to frame the issues in accordance with guidelines under Order XIV Rule 1 to 4 and in accordance with the mandate under Rule 5 of C.P.C. So far as the court is concerned, the duty to frame the issues is mandatory or obligatory. It appears that in such a situation, the definition of "facts in issue" under Section 2 of Evidence Act and the meaning of "Issues" under Order XIV Rule 1 of C.P.C. should be read together to harmoniously understand that the facts in issue in each case arising out of such materials before the court should be subjected to specific forms of issues enumerating the controversies between the parties, the burden of the parties to prove such issues and the duty of the court to draw inference on the questions of law as issues of law. Therefore, in such a situation, failure to frame issues on the part of the court, if arise out of the pleadings would be a highest form of judicial impropriety, if not contempt of a legal mandate enjoined upon it.

15. In this case as already pointed out, from the pleadings the following assertions of the plaintiff have been denied by the defendant:

- 1) The title of the plaintiff
- 2) The possession of the plaintiff and
- 3) The identity and the description of the suit property.

16. Further more, the defendant set up his own title to the same property which, according to him, would be the portion of the suit property, set up his possession, challenged the maintainability of the suit and the entitlement of the plaintiff to get the reliefs. In



such a situation, if we apply the settled law in regard to settling of the issues as above, the following issues ought to have been framed including casting burden on the parties to prove particular issue and the duty of the court to record a finding on inferential issues viz.,

1) Whether the plaintiff proves the correctness of the plaint schedule including the boundaries of the suit property?

2) Whether the plaintiff proves his title to the suit property?

3) a) Whether the defendant proves his title to the portion of the suit property for which he is claiming possession as pleaded in para17 of the written statement?

b) if so, whether he was in possession of such a property as on the date of the suit?

4) Whether the suit is not maintainable?

5) Whether the plaintiff is entitled to the reliefs as claimed in the suit?

b) if not, to what relief?

6) what order or decree?

17. Order 14 of the CPC deals with the procedure of settlement of issues and determination of suit on issues of law or on issues agreed upon.

18. For ready reference, the procedure contained under Order 14 of the CPC is reproduced as under:-

“1. Framing of issues.—(1) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

(2) Material propositions are those propositions of law or fact which a plaintiff must allege in order to



show a right to sue or a defendant must allege in order to constitute his defence.

(3) Each material proposition affirmed by one party and denied by the other shall form the subject of distinct issue.

(4) Issues are of two kinds:

(a) issues of fact,

(b) issues of law.

(5) At the first hearing of the suit the Court shall, after reading the plaint and the written statements if any, and 1 [after examination under rule 2 of Order X and after hearing the parties or their pleaders], ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to depend.

(6) Nothing in this rule requires the Court to frame and record issues where the defendant at the first hearing of the suit makes no defence.

2. Court to pronounce judgment on all issues.

—(1) Notwithstanding that a case may be disposed of on a preliminary issue, the Court shall, subject to the provisions of sub-rule (2), pronounce judgment on all issues.

(2) Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on an issue of law only, it may try that issue first if the issue relates to—

(a) the jurisdiction of the Court, or

(b) a bar to the suit created by any law for the time being in force,

and for that purpose may, if it thinks fit, postpone the settlement of the other issues until after that





issue has been determined, and may deal with the suit in accordance with the decision on that issue.

3. Materials from which issues may be framed.

—The Court may frame the issues from all or any of the following materials:—

(a) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties;

(b) allegations made in the pleadings or in answers to interrogatories delivered in the suit;

(c) the contents of documents produced by either party.

4. Court may examine witnesses or documents before framing issues.—Where the Court is of

opinion that the issues cannot be correctly framed without the examination of some person not before the Court or without the inspection of some document not, produced in the suit, (may adjourn the framing of issues to a day not later than seven days) and may (subject to any law for the time being in force) compel the attendance of any person or the production of any document by the person in whose possession or power it is by summons or other process.

5. Power to amend and strike out, issues.—(1)

The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed.

(2) The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

6. Questions of fact or law may by agreement be stated in form of issues.—(1) Where the





parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing that, upon the finding of the Court in the affirmative or the negative or such issue,—

(a) a sum of money specified in the agreement or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject some liability specified in the agreement;

(b) some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or as that other may direct; or

(c) one or more of the parties shall do or abstain from doing some particular act specified in the agreement and relating to the matter in dispute.

7. Court, if satisfied that agreement was executed in good faith, may pronounce judgment.—Where the Court is satisfied, after making such inquiry as it deems proper,—

(a) that the agreement was duly executed by the parties,

(b) that they have a substantial interest in the decision of such question as aforesaid, and

(c) that the same is fit to be tried and decided, it shall proceed to record and try the issue and state its finding or decision thereon in the same manner as if the issue had been framed by the Court; and shall, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement; and, upon the judgment so pronounced, a decree shall follow.”





19. Perusal of the provisions provided under Order 14 CPC clearly indicate that whenever pleadings are disputed by the either side, it is the bounden duty of the Court to frame issues for determination of the dispute based on the pleadings made by the parties to the suit and thereafter, the burden is required to be allocated on the party, whosoever is disputing the material fact or the provisions of law. Thereafter, as per Rule 7 of the Order 14, the Court would pronounce the judgment on all the issues but here in the instant case, the aforesaid provisions have been flouted by the Trial Court. It is quite shocking and surprising that in the instant case, neither the issues were framed nor the evidence of either side was recorded and straightway, the impugned order has been passed decreeing the suit filed by the plaintiff.

20. It is also quite shocking and surprising on the part of both the Appellate Courts i.e. First Appellate Court and Second Appellate Court, that this material aspect of the matter has been overlooked and not appreciated by them and the appeals preferred by the defendant petitioner have been rejected without recording any justified reasons. It appears that some of the Presiding Officers, posted in different Revenue Court and Appellate Revenue Courts are not aware about the procedure contained under the CPC which has to be practically followed by them. It is right time and high time to establish Administrative Judicial Academy for their training and it is expected from the State Government to establish the academy and apprise their Officers about the procedure which is required to be followed in the



Courts, while deciding the suits filed by the affected/aggrieved party.

21. Keeping in view the aforesaid facts and circumstances of the case, the present writ petition is allowed and the impugned order passed by the SDO so also the judgments passed by both the Appellate Courts are quashed and set aside and the matter is remitted to the Trial Court for disposal of the suit afresh after following the mandate contained under Order 14 CPC i.e. after framing the issues and recording the evidence of the parties and thereafter, adjudicate the dispute on merits after affording opportunity of hearing to both sides.

22. The parties are directed to appear before the Court of Sub Divisional Officer, Mahwa on 08.07.2025. It is expected from the Trial Court (the SDO, Mehwa) to make all possible endeavours to decide the suit afresh expeditiously preferably within a period of eighteen months.

23. Stay application and all pending application(s), if any, also stand disposed of.

24. Before parting with this order, this Court is constrained to observe and take a judicial notice that in Revenue Courts the Presiding Officers are posted from the Administrative Services, who typically do not possess any legal background as they neither have studied law nor have undergone formal legal training. They have not gone through the procedural laws, such as the Civil Procedure Code, the Indian Evidence Act, or local statutes like the Rajasthan Tenancy Act, the Rajasthan Land Revenue Act, and other related land laws and Rules. As a result thereof, they are not well-versed with the procedures that must be followed, while



adjudicating revenue suits pending before the Revenue courts. On many occasions, this Court has noticed that the Revenue Courts and their Appellate Courts commit procedural mistakes in deciding the suits and appeals, without following the mandatory provisions contained under the CPC. Suits are decided by the Revenue Courts without framing the issues, without recording the evidence of the parties in the litigation and the appeals are decided by the Appellate Courts without forming the points for determination. The practical process is openly flouted by these Courts on account of lack of knowledge about the procedure laid down under the law. The Revenue Courts and the Appellate Revenue Courts are considered to be performing quasi-judicial functions as they handle matters that are not strictly judicial but require a degree of fairness and objectivity in decision making, much like the Judicial Courts do. The Revenue Courts and the Appellate Revenue Courts act as a bridge between the administrative and the judicial functions, applying the principles of fairness and justice to a specific set of matters related to land revenue, etc.

25. Hence, it is the high time and right time to establish an "Administrative Judicial Academy" for such Officers of Administrative Services. The need to impart training to such Officers, both 'pre-service' and 'in-service', has been felt for a long time and has been neglected by the Government of Rajasthan so far, having disastrous consequences to development of State and justice to public at large. Training course for the Officers of Administrative Services is considered imperative to improve their efficiency. Some kind of training is necessary and useful to enhance their legal acumen and knowledge. Officers must be





trained in framing issues, recording evidence presented by the litigating parties, and drafting judgments at both trial and appellate levels. They should also imparted training for enhancing the art of writing interlocutory orders. They should be familiarized with the various stages of a suit and the procedures outlined in the CPC. Furthermore, along with methods for disposing of the matters at each stage.



26. Presently, newly appointed Judicial Officers undergo a year-long training at the State Judicial Academies across the country and serving Judicial Officers participate in the periodic workshops organized at the National and State Judicial Academy, then why the Officers posted in the Revenue Courts and the Appellate Revenue Courts should not be sent for such like trainings. Most of these Officer are neither law graduates nor having acquaintance with the procedure to be adopted by these Courts, while deciding the suits, appeals and revision and misc. application etc. Hence, this Court deems it appropriate that the Officers of Administrative Services should also receive structured training at an Administrative Judicial Academy. Such training would equip them with practical knowledge of the procedures governing the trial of revenue suits and the adjudication of appeals arising from judgments and orders passed by the Revenue Courts.

27. The following steps are required to be taken by the State Government for the benefit of the Officers posted at the Revenue Courts and the Revenue Appellate Courts:-

(i) Establish an Administrative Judicial Academy for organizing mandatory training program for the newly appointed and in-service Administrative Officers.



(ii) Conducting research on judicial reforms, for management and access to justice.

(iii) Promoting judicial innovation, through seminars, colloquium, and workshops.

(iv) Develop a comprehensive curriculum that blends theory with practical training of procedural laws, including framing of issues, recording of evidence, and writing judgments, mediation and the use of technology in Courts.

(v) Sensatizing the Officers to take every possible steps for expeditious disposal of the matters, without granting unnecessary and unwarranted adjournments and make all possible endeavours for speedy disposal of the cases.

28. In an age where justice must not only be done, but seem to be done swiftly and fairly, a well-training administration is essential and the same is need of the hour. The role of Administrative Judicial Academy for practical training of the Presiding Officers posted in the Revenue Courts and the Revenue Appellate Courts would certainly play a vital role in shaping competent, ethical and technology savvy officers in more crucial ways than ever. With strategic reforms, increased resources and a learner-centric approach, such academy can emerge as a torch bearer in their judicial education and play a transformative role in the administration of justice delivery system.

29. Let a copy of this order be sent to the Chief Secretary, Government of Rajasthan; Principal Secretary, Department of Revenue, Government of Rajasthan; and Principal Law Secretary Government of Rajasthan for needful compliance of this order. They are further directed to apprise this Court regrading the steps





taken by them in compliance of the directions issued to them in
Para no. 27 on or before the next date of hearing.

30. List on 01.09.2025 to see compliance of the order.



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(ANOOP KUMAR DHAND),J