

The Rajasthan Land Revenue (Partition of Estates) (Board of Revenue) Rules, 1958

RAJASTHAN

India

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Rule

THE-RAJASTHAN-LAND-REVENUE-PARTITION-OF-ESTATES-BOARD of 1958

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The Rajasthan Land Revenue (Partition of Estates) (Board of Revenue) Rules, 1958 Published vide Notification No. 7743/B.R., Dated 15-7-1958; published in Rajasthan Rajpatra, Dated 21-8-1958, p. 820 In exercise of the powers conferred by clauses (m), (n) and (o) of sub-section (1) of Section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), the Board, with the previous sanction of the State Government, hereby makes the following rules, namely:-

1. Short title.

- These rules may be called the Rajasthan Land Revenue (Partition of Estates) (Board of Revenue) Rules, 1958. Rules to give effect to the provisions of Section 187.

2.

An application for partition of an estate shall be made in writing and shall contain the following particulars-(a)the tenure on which the estate is held,(b)the extent of the applicant's share therein,(c)the nature and amount of demands if any payable to Government in respect thereof,(d)the area of the estate and the area claimed by the applicant as his share,(e)name of guardians or wards in case of minor co-shares,(f)the particulars of land, if any, declared as 'Sir' and Khudkasht, and(g)the particulars of sub-grants, if any.

3.

Every application for partition shall bear the signature of the applicant and shall be verified in the same manner as a plaint.

4.

Every application for partition shall be accompanied by-(i)a copy of the latest mutation order:(ii)a copy of the latest map and field book of the estate sought to be partition:(iii)a copy of the latest Record of Rights in respect thereof;(iv)any other document on which the plaintiff bases his claim.Rules to give effect to the provisions of Section 191(2).

5.

The partition officer shall not allow partition of an estate which shall result in estate on an area less than the minimum fixed for a district or part of a district for purposes of clauses (a) of Section 180 of the Rajasthan Tenancy Act, 1955 and the rules framed thereunder vide Notification No. F. 1(37) Revenue B/55, dated the 19th July, 1956.Rules to give effect to the provisions of Section 198 of the Act.

6.

The preliminary order under section 198 of the Act shall be in the Form attached to these rules.Rules to give effect to the provisions of Section 203(3).

7.

The mode in which partition costs are to be appointed shall be as under-(1)In the case of an application for partition which the parties are allowed to withdraw before the partition is completed, the cost incurred in the case up to the withdrawal shall be paid by the parties. These costs shall be estimated and adjusted by levy or refund, in the same way as in a case which is carried to completion.(2)The application shall bear the costs of partition:Provided the partition officer may in particular cases require the costs be recovered ratably either in the first instance or subsequently from all the co-shares in the area under partition.Form(See rule 6)Preliminary Order u/s 198 of Land Revenue ActIn the court of the Collector,District.....Village.....Case No.....of 199.. .Shri.....Applicant.....Vs.Shri.....opposite party.OrderThis application came on this day.....for disposal before Shri.....Collector.....of.....Collectorate..... in.....the presence of Shri.....Vakil.....for.....applicant and Shri.....Vakil for the opposite party.The enquiry u/s 196 of the Rajasthan Land Revenue Act, 1956 having been completed, it is hereby ordered that the application for partition of Shri.....is admitted. It is further ordered that.-(a)the estate shall be divided into portions:(b)the nature and extent of the share of each claimant will be as under-(i)(ii)(c)the mode of partition will be partitioned by agreement/partition by arbitration/partition by the court.

2. The parties have since agreed to partition the estate by agreement.....it.....is ordered that the partition be completed by.....day of.....and.....the parties appear before me to sign to the lots with the record of lots and the map on.....

3. The parties have since agreed to partition the estate by arbitration and have appointed Shri.,.....and Shri..... as their arbitrators who are ordered to partition the property according to the provision of the Arbitration Act, 1940 (Central Act of 1940) and to produce the award onduly signed by the parties.

4. Since the parties do not agree to partition the estate by agreement or through arbitration it is ordered that the partition shall be done by me. The parties to deposit the cost etc. as provided in Section 203 of the Rajasthan Land Revenue Act by and Shri is appointed as Amin to carry out the partition of the estate in accordance with the above instructions.

Give under seal of office this the..... day of.....199.Collector(Strike out portions which are inapplicable).