

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Second Appeal No. 7/2026

1. Lrs Of Kisna Ram @ Kisan Lal S/o Shri Moti Lal, Through His Legal Representatives
- 1/1. Anda Ram @ Anand Kumar S/o Late Shri Kisna Ram @ Kisan Lal, Aged About 61 Years, R/o Plot No. 02 Near Onkar Singh Ji Bungalow , Shiv Road Ratanada
- 1/2. Om Prakash S/o Late Shri Kisna Ram @ Kisan Lal, Aged About 54 Years, R/o Plot No. 02 Near Onkar Singh Ji Bungalow , Shiv Road Ratanada
- 1/3. Sarswati W/o Late Shri Kisna Ram @ Kisan Lal, R/o East Patel Nagar , Bhati Choraha , Ratanada, Jodhpur
- 1/4. Sumitra W/o Late Shri Bhomaram Prajapat, D/o Late Shri Kisna Ram @ Kisan Lal R/o Ramjanji Ka Hatha ,near Bharat Public School, Banar Road, Jodhpur

----Appellants

Versus

Smt. Manjulata Payak, W/o Shri Madanmohan Payak, Resident Of Plot No. 2 Near Dr. Onkar Singhji Bungalow, Shiv Road, Ratanada, Jodhpur At Present Plot No. 6, Nursing Colony, Ratanada, Jodhpur.

----Respondent

For Appellant(s)	:	Mr. R.K. Thanvi, Sr. Adv. assisted by Mr. Narendra Thanvi and Mr. Mahendra Thanvi.
For Respondent(s)	:	None present.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

09/01/2026

Despite a caveat having been filed in the present case, none has appeared today on behalf of the respondent even in the second round.

Having heard learned counsel for the appellant and upon perusal of the record, this Court is satisfied that present second appeal raises the following substantial questions of law :-

1. *Whether learned courts below have committed a serious error of law in deciding Issue Nos. 1, 2 and 4 in favour of the respondent-plaintiff and Issue No.6 against appellants-defendants, by misconstruing evidence adduced by the appellants ?*
2. *Whether learned courts below were justified in granting relief sought by the respondent-plaintiff in her suit despite her failure to prove her possession or the possession of her predecessor over the suit property ?*
3. *Whether learned courts below have committed a serious error in not properly appreciating conditional sale deed (Ex.A/1) executed by the original defendant - Kisna Ram in favour of Smt. Nirmala ?*

Admit.

Till next date of hearing, both the parties shall maintain status quo with regard to the suit property as it exists today.

(MUKESH RAJPUROHIT),J