

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

S.B. Civil Writ Petition No. 679/2026

Sourabh S/o Suraj Prakash, Aged About 41 Years, Resident Of Lohawat Bisnawas, Tehsil Lohawat, District Phalodi, Proprietor Of Balajai Hp Gas, Rural Distributor, Lohawat Bisnawas.

-----Petitioner

Versus

1. Satya Narayan S/o Jagmal Ram, Resident Of Village Lohawat Bisnawas, Tehsil Lohawat, District Phalodi.
2. Lakshman Ram S/o Satya Narayan, Resident Of Village Lohawat Bisnawas, Tehsil Lohawat, District Phalodi.
3. Ramesh S/o Ashok Kumar, Resident Of Village Lohawat Bisnawas, Tehsil Lohawat, District Phalodi.
4. Birbal Ram S/o Ramu Ram, Resident Of Village Lohawat Bisnawas, Tehsil Lohawat, District Phalodi.

-----Respondents

For Petitioner(s)	:	Mr. Moti Singh
For Respondent(s)	:	Mr. R.J. Punia

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

23/03/2026

1. The present writ petition has been preferred by the petitioner-plaintiff assailing the order dated 07.01.2026 (Annx.8) passed by the Additional District Judge, Phalodi in Civil Misc. Appeal No. 04/2025 (*Sourabh vs. Satya Narayan & Ors.*), vide which the appeal filed by the petitioner-plaintiff against the Order dated 20.01.2025 (Annx.5) passed by the Senior Civil Judge No.1, Phalodi in Civil Misc. Case No. 10/2024 (C.I.S. No. 12/2024) (*Sourabh vs. Satya Narayan & Ors.*) dismissing the application

under Order XXXIX Rule 1 & 2 read with Section 151 of C.P.C., has been rejected.

2. Heard learned counsel for the parties.

3. Learned counsel for the petitioner submits that impugned orders passed by the courts below are arbitrary, perverse and contrary to the settled principles of law governing the adjudication of applications for temporary injunction.

4. It is further submitted that the petitioner instituted a civil suit seeking permanent and mandatory injunction, and recovery of damages, and also moved an application for temporary injunction to protect the construction of a Gas Godown, which serves a public utility, till the final disposal of the suit.

5. It is contended that the report submitted by the Patwari is wholly inadmissible, as the same was not approved by the Tehsildar, who has duly verified the existence and boundaries of the land in question. The petitioner purchased the disputed land forming part of Khasra No. 163 from respondent No. 1, and possession thereof was duly handed over, pursuant to which the petitioner after obtaining necessary NOCs/permissions and conversion order etc., raised construction and established LPG Gas Godown in accordance with law. The petitioner has placed on record relevant documents, including the sale deed, revenue map, and conversion order etc. permitting commercial construction of a LPG Gas Godown. However, the courts below have failed to consider these documents issued by competent authorities and have instead placed reliance solely on the report of the Patwari, who is subordinate to the Tehsildar.

6. It is further submitted that the dispute, if any, relates only to demarcation of boundaries, which is presently pending adjudication before the Sub-Divisional Officer. The courts below have failed to apply the settled principles governing the grant of temporary injunction. It is well settled that establishing a *prima facie* case requires only the existence of a *bona fide* substantial question and not conclusive proof of title. Temporary injunctions are preventive in nature and do not entail a determination on merits. Prior to refusing such relief, the courts are required to consider the likelihood of irreparable injury and to balance the comparative convenience of the parties.

7. In support of his contention, learned counsel for the petitioner has relied upon the following decisions :-

- i. **Babu Lal and Others vs. Vijay Solvex Limited and Others reported in (2014) 16 Supreme Court Cases 680;**
- ii. **Peer Gulam Jilani vs. Peer Gulam Naseer and Ors. (Civil Appeal Nos. 10770-10772 of 2013) decided on 24.07.2019;**
- iii. **Narendra Singh Rajawat & Ors. vs. Thakur Mohan Singh Kanota & Ors. reported in RLW 2002(3) (Raj) 1840;**
- iv. **Dalpat Kumar and another vs. Prahlad Singh and others reported in (1992) 1 Supreme Court Cases 719; and**
- v. **Janki Devi (Smt.) vs. Santosh Kumar reported in 2007 Supreme (Raj) 1603.**

8. Per contra, learned counsel appearing for respondent No. 1 on caveat, while supporting the impugned orders passed by the courts below, submits that the petitioner has already vacated the disputed premises and shifted his business elsewhere i.e. Khasra

No. 2915/2911, and therefore, no cause survives for grant of temporary injunction. It is further contended that both the courts below have recorded concurrent findings of fact, which do not call for interference by this Court. Learned counsel also submits that the scope of interference under Article 227 of the Constitution of India is limited and supervisory in nature, and in the absence of any jurisdictional error or perversity, the impugned orders do not warrant interference.

9. I have considered the rival submissions made by learned counsel for the parties, perused the record of the case and the judgments cited by the petitioner.

10. Having considered the rival submissions advanced by learned counsel for the parties, perused the material available on record, as well as the judgments cited at the Bar, this Court is of the view that without entering into the merits of the case or examining the correctness of the impugned orders passed by the courts below, the present writ petition can be disposed of with appropriate directions in the interest of justice.

11. From a perusal of the material on record, it *prima facie* reveals that subject land was purchased by the petitioner from respondent No. 1 and after obtaining necessary NOCs/permissions and conversion order, LPG Godown was established on subject land. It is not in dispute that during the pendency of the application for temporary injunction before the trial Court as well as during the pendency of the appeal, interim injunction was granted in favour of the petitioner vide orders dated 22.08.2024

(Annx.3) and 17.02.2025 (Annx.7), and the same remained operative for a considerable period.

12. In view of the overall facts and circumstances of the case, and considering that the main suit is still pending adjudication, it is deemed appropriate to direct the trial Court to expedite the proceedings of the suit and decide the same finally, strictly in accordance with law, preferably within a period of one year from the date of receipt of a certified copy of this order.

13. It is further directed that till the final disposal of the suit, the petitioner shall not be dispossessed from the land/property in question.

14. It is made clear that this Court has not expressed any opinion on the merits of the case, and the trial Court shall decide the suit uninfluenced by any observations made herein.

15. With the aforesaid directions, the present writ petition stands disposed of.

16. Stay petition as well as all pending application(s), if any, shall also stand disposed of.

(MUKESH RAJPUROHIT),J