

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

S.B. Civil Second Appeal No. 64/2026

1. Lrs Of Late Gulam Nabi, R/o Loharon Ka Mohalla, Rol, Tehsil Jayal, District Nagaur Raj.
2. Salma D/o Late Gulam Nabi, Aged About 64 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
3. Mohammed Shareef S/o Late Gulam Nabi, Aged About 55 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
4. Najma D/o Late Gulam Nabi, Aged About 59 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
5. Kaniza D/o Late Gulam Nabi, Aged About 47 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
6. Bano D/o Late Gulam Nabi, Aged About 49 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
7. Samina D/o Late Gulam Nabi, Aged About 42 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
8. Aapudi D/o Late Gulam Nabi, Aged About 48 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
9. Mohammed Rafique S/o Late Gulam Nabi, Aged About 40 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
10. Islamuddin S/o Late Gulam Nabi, Aged About 34 Years, Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
11. Legal Representative Of Late Alimuddin, S/o Abdul Gani, All R/o Rol, Tehsil Jayal, District Nagaur (Rajasthan)
12. Lrs Of Late Abdul Qayum S/o Late Alimuddin, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
13. Imtiyaz Bano W/o Late Abdul Qayum, Aged About 65 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
14. Kabeer S/o Late Abdul Qayum, Aged About 44 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
15. Manphool S/o Late Abdul Qayum, Aged About 42 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
16. Harun S/o Late Abdul Qayum, Aged About 39 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
17. Rahishu S/o Late Abdul Qayum, Aged About 37 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
18. Rakku S/o Late Abdul Qayum, Aged About 33 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
19. Qadir S/o Late Abdul Qayum, Aged About 30 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
20. Hamida D/o Late Abdul Qayum, Aged About 43 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
21. Mohammed Farukh S/o Late Alimuddin, Aged About 62 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)

22. Basheer Mohammed S/o Late Alimuddin, Aged About 50 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
23. Lrs Of Late Tima Bano W/o Late Alimuddin, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
24. Farukh S/o Late Tima Bano, Aged About 62 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
25. Basheer S/o Late Tima Bano, Aged About 50 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
26. Taj @ Sartaj Bano D/o Late Tima Bano, Aged About 53 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
27. Farzana D/o Late Tima Bano, Aged About 57 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
28. Mu. Farzana Bano W/o Ashif, Aged About 57 Years, Street No. 2, Rampura Basti, Opp. Gulab Shah Ki Dargaha, Lalgarh, Distt. Bikaner (Raj.)
29. Mu. Sartaj Bano @ Taj W/o Papu, Aged About 53 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
30. Legal Representative Of Late Najbuddin, S/o Abdul Gani, R/o Rol, Tehsil Jayal, District Nagaur Rajasthan.
31. Chand Mohammed S/o Late Najbuddin, Aged About 53 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
32. Nilam Mohammed S/o Late Najbuddin, Aged About 46 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
33. Jan Mohammed S/o Late Najbuddin, Aged About 39 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
34. Mohaseen S/o Late Najbuddin, Aged About 34 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
35. Sahil S/o Late Najbuddin, Aged About 20 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
36. Raja S/o Late Najbuddin, Aged About 28 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
37. Mariyam Bano W/o Late Najbuddin, Aged About 64 Years, Rol, Tehsil Jayal, Distt, Nagaur (Raj.)
38. Shehnaz D/o Late Najbuddin, Aged About 64 Years, W/o Niyaz Mohammed R/o Back Side Of School, Kota Road, Bhilwara (Raj.)
39. Afsana D/o Late Najbuddin, Aged About 42 Years, W/o Rais Ahmad, R/o Laxman Nagar- B, Nandari Kallan, Jodhpur (Raj.)
40. Rehana D/o Late Najbuddin, Aged About 43 Years, W/o Amjad, R/o Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
41. Maain D/o Late Najbuddin, Aged About 40 Years, W/o Babu, R/o Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
42. Saain D/o Late Najbuddin, Aged About 32 Years, W/o

- Khalid, R/o Loharon Ka Mohalla, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
43. Legal Representative Of Late Umrav Alias Gutiya, S/o Abdul Gani, All R/o Rol, Tehsil Jayal, District Nagaur Rajasthan
 44. Ayub S/o Late Umrav, Aged About 60 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
 45. Alam Ali S/o Late Umrav, Aged About 57 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
 46. Mehraj S/o Late Umrav, Aged About 50 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
 47. Bidam D/o Late Umrav, Aged About 47 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
 48. Legal Representative Of Late Shabuddin, S/o Abdul Gani, All R/o Rol, Tehsil Jayal, District Nagaur Rajasthan.
 49. Smt. Munni W/o Late Shabuddin, Aged About 64 Years, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
 50. Shakeel S/o Late Shabuddin, Aged About 48 Years, R/o Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
 51. Najuddin S/o Late Shabuddin, Aged About 46 Years, R/o Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
 52. Ashfaq, S/o Late Shabuddin, (Dead) R/o Rol, Tehsil Jayal, Distt. Nagaur (Raj.)

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Versus

1. Lrs Of Late Abdul Hamid, S/o Ajmal Ali, R/o Rol, Tehsil Jayal, District Nagaur Rajasthan
2. Smt. Afroz D/o Late Abdul Hamid, W/o Saleem, R/o Near Laxmitara Cinema, Nagaur (Raj.)
3. Smt. Barsat D/o Late Abdul Hamid, W/o Saleem, R/o Near Laxmitara Cinema, Nagaur (Raj.)
4. Smt. Zareena D/o Late Abdul Hamid, W/o Manjoor Khan, R/o Dara Mohalla, Nagaur (Raj.)
5. Legal Representative Late Jaitoon D/o Ajmal Ali, R/o Rol, Tehsil Jayal, District Nagaur Rajasthan
6. Madi W/o Late Majeed, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
7. Pappu S/o Late Majeed, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
8. Mamool S/o Late Majeed, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
9. Babu D/o Late Majeed, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
10. Beby D/o Late Majeed, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
11. Sultan D/o Late Majeed, Rol, Tehsil Jayal, Distt. Nagaur

(Raj.)

12. Legal Representative Of Late Mohammedi D/o Ajmal, R/o Rol, Tehsil Jayal, District Nagaur Rajasthan
13. Abdul Saleem S/o Mohammedi, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
14. Abdul Salam S/o Mohammedi, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
15. Abdul Kalam S/o Mohammedi, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
16. Legal Representative Of Late Munni D/o Ajmal, R/o Rol, Tehsil Jayal, District Nagaur Rajasthan
17. Manjoor Ali S/o Munni, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
18. Munir S/o Munni, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
19. Jagveer S/o Munni, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
20. Rayaz S/o Munni, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
21. Mobina D/o Munni, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
22. Bula D/o Munni, Rol, Tehsil Jayal, Distt. Nagaur (Raj.)
23. Mangi Lal S/o Gafoor, R/o Rol, Teshil Jayal, District Nagaur Rajasthan.

----Respondents

For Appellant(s)	:	Mr. Anirudh Purohit
For Respondent(s)	:	--

HON'BLE MR. JUSTICE FARJAND ALI

Order

07/05/2026

1. By way of filing the instant civil second appeal, challenge has been made to the judgment dated 22.12.2025 whereby the learned appellate Court reversed the findings of the learned trial Court, by which the suit filed by the appellant was decreed.
2. I have gone through the memo of appeal and heard learned counsel for the appellant. I have also gone through the impugned judgment as well as the judgment passed by the

Court of first instance in favour of the appellant, and feel that the matter indeed involves substantial questions of law for which interference by this Court is warranted. The following substantial questions of law are involved in the present matter:-

- i) Whether the learned first appellate Court exceeded its jurisdiction in reversing a well-reasoned judgment and findings of fact recorded by the trial Court without complying with the mandatory requirements of Order XLI Rule 31 CPC and without recording any finding of perversity or illegality in the judgment of the Civil Judge?
- ii) Whether a decree for permanent injunction can be sustained in law when the plaintiffs failed to prove their possession over the disputed property, possession being a sine qua non for grant of injunction, and therefore whether the appellate Court ought not to have reversed the finding on possession based on conjectures and assumptions?
- iii) Whether the admission made by the plaintiff in another judicial proceeding between the parties would operate as an admission of fact in the case at hand as well, and whether such admission is relevant and substantive evidence against the maker under the law of evidence.
- iv) Whether a suit for simpliciter injunction can be decreed by the appellate Court in the absence of declaratory relief, particularly when there existed a serious dispute regarding title and possession of the disputed property, or whether, in the absence of a prayer for declaration of title and

possession, a suit for injunction can be decreed when the question of possession itself is in dispute?

3. Admit.
4. Issue notice to the respondents, returnable after four weeks.
5. Record has already been received.
6. In the meanwhile, the respondents shall maintain status quo with regard to the property in question.

(FARJAND ALI),J