

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

S.B. Civil First Appeal No. 228/2025

Shanti Lal S/o Late Roop Chand, Aged About 71 Years, R/o 57/2F, Diamond Harbour, 3Rd Floor Western Flat, Kolkata-23, West Bengal

----Appellant

Versus

1. Tarachand Jatanlal Rampuriya Joint Hindu Family, Through Karta Jatan Lal S/o Late Shrichand, R/o Station Road, Sujangarh, At Present R/o 15, Noormal Lohiya Lane, Kolkata-700007(W.b.)
2. Late Tarachand S/o Shrichand, R/o Station Road, Sujangarh, At Present 15 Noormal Lohiya Lane, Kolkata Through Lrs
3. Asha Devi W/o Late Tarachand, R/o Sujangarh, Churu At Present R/o 57/2F, Diamond Harbour, 3Rd Floor, Kolkata-23, West Bengal
4. Pradeep S/o Late Tarachand, R/o Sujangarh, Churu At Present R/o 57/2F, Diamond Harbour, 3Rd Floor, Kolkata-23, West Bengal
5. Prem Devi D/o Late Tarachand, W/o Ashok Kumar Duggar R/o Lc 197, Salt Lake, Sector No. 2, Near C.k. Market, Kolkata, W.b.
6. Manju D/o Late Tarchand, W/o Ummedmal Buccha R/o 1697, 30Th Cross, 15Th Main Banashankari 2Nd Stage, Bengaluru-560070
7. Aruna D/o Late Tarachand, W/o Sushil Kumar R/o B-21A, Shiv Marg, Shiva Residency, Flat No. 407, Bani Park, Jaipur, Raj.
8. Sunita D/o Late Tarachand, W/o Ved R/o Jain Cloth, Sadar Bazaar, Ladnun, Nagaur
9. Jatan Lal S/o Late Shrichand, R/o Station Road, Sujjanganrh, At Present R/o 15, Noormal Lohiya Lane, Kolkata-700007 (W.b.), At Present R/o 57/2F, Diamond Harbour, 3Rd Floor, Kolkata-23, West Bengal

----Respondents

For Appellant(s) : Mr. DD Chitlangi
For Respondent(s) :

HON'BLE MR. JUSTICE BIRENDRA KUMAR

Order

27/02/2025

Let the appeal be admitted for hearing.

Let notice should go to respondents through both the processes.

Requisites be filed within two weeks.

On compliance of the same, the Registry shall proceed.

Call for lower court record.

Learned counsel for the appellant submits that plaintiff-respondents had brought a suit for ejectment of the appellant on the ground that appellant was in permissive possession as he was nephew of the respondents.

The appellant contended that the suit property was joint family property as it was purchased from the joint family fund and appellant had also joint interest in the suit property.

The learned trial court did not accept the case of the appellant and decreed the suit.

Considering the facts aforesaid, the appellant shall not be evicted from the suit premises till further order.

List the matter on 07.04.2025.

(BIRENDRA KUMAR),J