

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

S.B. Civil First Appeal No. 176/2024

1. Ravindra Nath S/o Ranchod Bhandari, Aged About 74 Years, R/o 359, Gali No. 3, Rati Talai, Banswara.
2. Vinod Kumar S/o Mohan Lal Katuva, Aged About 68 Years, R/o Ward No. 5, Nayi Abadi, Banswara.
3. Pranay Kumar S/o Jay Prakash Pandiya, Aged About 50 Years, R/o 120, Gali No. 5, Swabhiman, Mohan Colony, Banswara.

----Appellants

Versus

1. Piyush Kumar S/o Natwar Lal, R/o Housing Board Colony, Udaipur Jaipur Link Banswara.
2. Bharat Pandiya S/o Vishvapati Pandiya, R/o Mohan Colony, Banswara.
3. Jalaj Dwivedi S/o Chandra Shankar Dwivedi, R/o Rati Talai, Banswara.
4. Manoj Kumar S/o Sh. Dinesh Chandra Nema, R/o Housing Board Colony, Udaipur-Jaipur Link, Banswara.
5. Nagal Palika, Banswara.

----Respondents

Connected With

S.B. Civil First Appeal No. 164/2024

1. Ravindra Nath S/o Ranchod Nath Bhandari, Aged About 74 Years, R/o 359, Gali No. 3, Rati Talai, Banswara.
2. Vinod Kumar S/o Mohan Lal Katuva, Aged About 68 Years, R/o Ward No. 5, Nayi Badi, Banswara.
3. Pranay Pandiya S/o Jay Prakash Pandiya, Aged About 50 Years, R/o 120, Gali No. 5, Swabhiman, Mohan Colony, Banswara.

----Appellants

Versus

Piyush Kumar S/o Natwar Lal Joshi, R/o Housing Board Colony, Udaipur- Jaipur Link Road, Banswara.

----Respondent

S.B. Civil First Appeal No. 167/2024

1. Ravindra Nath S/o Ranchod Bhandari, Aged About 74 Years, R/o 359, Gali No.3, Rati Talai, Banswara.
2. Vinod Kumar S/o Mohan Lal Katuva, Aged About 68 Years, R/o Ward No.5, Nayi Abadi, Banswara.
3. Pranay Kumar S/o Jay Prakash Pandiya, Aged About 50 Years, R/o 120, Gali No.5, Swabhiman, Mohan Colony, Banswara.

----Appellants

1. Lrs Of Late Sh. Purushottam Lal S/o Laxmi Narayan Menariya, R/o Plot No.99, Central Area, Udaipur.
- 1/1. Sandeep Menariya S/o Late Sh. Purshottam Lal, R/o Plot No. 99, Central Area. Udaipur.
- 1/2. Gaurav Menariya S/o Late Sh. Purushottam Lal, R/o Plot No. 99, Central Area. Udaipur.
2. Smt. Shakuntala Menariya W/o Late Sh. Purushottam Lal, R/o Plot No.99, Central Area Udaipur. (Plaintiffs.)
3. Nagar Palika, Banswara. (Defendant No.4)

-----Respondents

For Appellant(s)	:	Mr. Jagdish Vyas.
For Respondent(s)	:	Mr. Suniel Purohit.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

28/01/2026

The matter comes up on applications (I.A. No. 01/2026) seeking early listing of the matters.

For the reasons stated therein, the applications are allowed.

With the consent of learned counsel appearing for both the parties, the stay applications are taken up for hearing today.

Learned counsel for the appellants submits that the learned trial court, without proper appreciation of the evidence on record, has erroneously decreed the suit for permanent injunction. Learned counsel for the appellants has produced the copies of orders dated 09.01.2009 passed by the learned trial court and contends that during the pendency of the suit, the application for temporary injunction was disposed of by directing the parties to maintain status quo in respect of the land/plots in question, with the consent of both sides. It is further submitted that the

respondents are now undertaking construction activity over the disputed land, which would change the nature and character of the property and cause serious prejudice to the appellants. Learned counsel further urges that a first appeal is a continuation of the suit proceedings. The appeals have already been admitted for hearing and from the grounds raised in the appeal, it is clear that the appellants have established essential ingredients for grant of interim relief, namely a *prima facie* case, balance of convenience, and irreparable loss, thereby justifying interim protection in their favour.

Per contra, learned counsel appearing for the respondents submits that no interim relief is warranted in the present case, inasmuch as a court of competent civil jurisdiction, after due adjudication of the dispute, has already decreed the suit for injunction in favour of the respondents. It is contended that no construction activity is being undertaken over the disputed plots, except in respect of Plot No. 27. Learned counsel further submits that once a decree of injunction has been passed in favour of the respondents, the balance of convenience squarely lies in their favour, and any interim order passed at the appellate stage would cause grave prejudice and would effectively deprive the respondents of the fruits of the decree. Therefore, he prays that no case for stay is made out.

In rejoinder, learned counsel for the appellants submits that construction over disputed Plot No. 27 has already been completed and that the respondents are insisting upon raising further construction over the remaining plots/land in question.

At this stage, learned counsel for the respondents submits, without prejudice to the aforesaid submissions and in the alternative, that in the event this Court is inclined to grant any interim or restraining order, the respondents are willing to furnish an undertaking to remove the construction, if any, at their own cost, in the event the appellants ultimately succeed in the appeals.

Having considered the facts and circumstances of the case, submissions advanced by learned counsel for the parties and upon perusal of the record, this Court also takes note of the fact that during pendency of the suit an order of temporary injunction directing the parties to maintain status quo was operating with the consent of both sides and the first appeal is a continuation of the suit proceedings. This Court is, therefore, of the considered view that, in order to protect and preserve the subject matter of the litigation and to prevent any irreparable prejudice or multiplicity of proceedings, it would be just, fair and proper to direct the parties to maintain status quo as existing today in respect of the land in question, till the next date of hearing.

Put up in the first week of March, 2026.

(MUKESH RAJPUROHIT),J