

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

S.B. Civil Writ Petition No. 3392/2026

Takiya Alam Shah, Through Mutwali Nisar Ahmad S/o Abdul Gani
Aged 80 Years Resident Ganglao Talab, New Chandpole Road,
Bakramandi, Jodhpur, Rajasthan.

-----Petitioner

Versus

1. Legal Heirs Of Late Saleem Shah S/o Shri Mamushah:-
 - 1/1. Smt. Maino Bano W/o Late Saleem Shah, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
 - 1/2. Sher Mohammad S/o Late Saleem Shah, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
 - 1/3. Farukshah S/o Late Saleem Shah, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
 - 1/4. Firojshah S/o Late Saleem Shah, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
 - 1/5. Madeen D/o Late Saleem Shah, Aged About 17 Years, Through Her Natural Guardian Mother Smt. Maina Balo W/o Late Saleem Shah, Resident Of Bakra Mandi, Chandpole Road, Jodhpur.
 - 1/6. Smt. Barkat W/o Shri Vali Mohammad Shah, D/o Late Saleem Shah, Resident Of Sojat City, District Pali, Rajasthan.
 - 1/7. Smt. Jareena W/o Ramjanshah. D/o Late Saleem Shah, Resident Of Village Patodi. Tehsil Pachpadra, District Barmer, Rajasthan.
 - 1/8. Smt. Haseena W/o Aslamshah, D/o Late Saleem Shah, Resident Of Kachhari Road, Chudigharo Ka Mohalla, Jaisalmer, Rajasthan.
2. Salamshah S/o Shri Sirajshah, Aged About 64 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
3. Sabirshah S/o Shri Lalshah, Aged About 60 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
4. Anwarshah S/o Shri Lalshah, Aged About 56 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).

5. Yakubshah S/o Shri Lalshah, Aged About 53 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
6. Kalushah S/o Shri Babushah, Aged About 51 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
7. Sulemanshah S/o Shri Babushah, Aged About 49 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
8. Shaukatshah S/o Shri Babushah, Aged About 47 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
9. Rafeeqshah S/o Shri Shafishah, Aged About 65 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
10. Iqbalshah S/o Shri Shafishah, Aged About 63 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
11. Chiragshah S/o Shri Dineshah, Aged About 66 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
12. Roshanshah S/o Shri Dineshah, Aged About 64 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
13. Nasarushah S/o Shri Shambhushah, Aged About 62 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
14. Gaffarshah S/o Shri Shamshushah, Aged About 50 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
15. Usmanshah S/o Shri Yusufshah, Aged About 62 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
16. Anwarshah S/o Shri Yusufshah, Aged About 57 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
17. Abidshah S/o Shri Yusufshah, Aged About 54 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).

18. Farukshah S/o Shri Yusufshah, Aged About 52 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
19. Mehmoodshah S/o Shri Yusufshah, Aged About 50 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
20. Ramjanshah S/o Shri Hanifshah, Aged About 63 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
21. Ayubshah S/o Shri Hanifshah, Aged About 60 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
22. Insafshah S/o Shri Hanifshah, Aged About 57 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
23. Sikandarshah S/o Shri Hanifshah, Aged About 45 Years, Residents Of New Chandpole Road, Bakramandi, Jodhpur (Raj.).
24. Jodhpur Municipal Corporation (Nagar Nigam) (North), Through Commissioner.

----Respondents

For Petitioner(s)	:	Mr. Lakshya Singh Udawat Mr. Shreyansh Ramdev
For Respondent(s)	:	-

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/03/2026

1. It is contended by learned counsel for the petitioner that the plaintiffs-respondents filed a suit for declaration and seeking possession of the property. It is further contended that since the property in question is jointly held and indivisible in nature, and the suit having already abated qua plaintiff No.4, 15 and 18 coupled with the fact that application for bringing on record their

legal representatives has been filed after a considerable delay, hence, the entire suit is liable to be treated as abated.

2. Learned counsel relied upon the order dated 21.08.2013, passed by a Coordinate Bench of this Court at Jaipur, in the case of ***Chander (deceased) represented by Mangal Ram Vs. Cheenta Ram (deceased) represented by Dhanpal & Ors. (S.B. Civil Revision Petition No.4/2012).***

3. The matter requires consideration.

4. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.

5. In the meanwhile and till next date, further proceedings in Civil Original Case No.91/2024 (NCV No.14856/2014) titled as "Saleem Shah Vs. Nagar Nigam & Anr." pending before the learned Additional District Judge No.7, Jodhpur Metropolitan, Jodhpur shall remain stayed.

(MUKESH RAJPUROHIT),J