

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

S.B. Civil Writ Petition No. 3634/2026

Smt. Lakshmi Devi W/o Late Shri Banshilal Ojha, Aged About 79
Years, R/o L-29, Tilak Nagar, Bhilwara (Raj.).

-----Petitioner

Versus

1. Rajesh Ojha S/o Late Shri Banshilal Ojha, R/o 6-L-29,
Tilak Nagar, Bhilwara (Raj.).
2. Harish Ojha S/o Late Shri Banshilal Ojha, R/o A-163,
Shastri Nagar, Bhilwara (Raj.).
3. The Sub Registrar, Bhilwara (Raj.).

-----Respondents

For Petitioner(s) : Mr. Sanjay Nahar

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

17/02/2026

1. It is contended by learned counsel for the petitioner that the Late Banshilal Ojha had executed a Will in favour of his wife (the present petitioner) bequeathing all his movable as well as immovable properties to her, including the property in dispute which forms the subject matter of the present suit. However, while rejecting the application filed under Order I Rule 10 CPC, the learned trial court failed to consider this material and vital aspect of the matter.

2. It is further submitted that the mere issuance of a patta in favour of the sons of the petitioner does not extinguish or override the petitioner's lawful right, title and interest in the suit property, particularly when she claims ownership under the Will as well as in the capacity of a legal heir of the deceased.

3. The matter requires consideration.

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

5. In the meanwhile, further proceedings in Civil Case No.99/2025, pending before the learned Additional District Judge No.2, Bhilwara shall remain stayed.

(MUKESH RAJPUROHIT),J

58-Ramesh/-