

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

S.B. Civil Writ Petition No. 3955/2026

Kamla Devi W/o Mangilal, Aged About 63 Years, Resident Of
Village Keru, Tehsil And District Jodhpur.

----Petitioner

Versus

1. Kishore Singh S/o Shri Rajusingh, Resident Of Village Kenodiya, Post Kenodiya Purohitan, Tehsil And District Jodhpur.
2. Mohanlal S/o Shri Ishwarlal, Resident Of 11/530, Chopasni Housing Board, Jodhpur.
3. Mirgidevi W/o Late Shri Jairupa @ Jairoopram, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
4. Goparam S/o Late Shri Jairupa @ Jairoopram, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
5. Raju S/o Late Shri Jairupa @ Jairoopram, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
6. Omaram S/o Late Shri Jairupa @ Jairoopram, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
7. Baniya S/o Shri Bhagga, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
8. Imidevi W/o Tulcharam, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
9. Mohanram S/o Tulcharam, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
10. Rajuram S/o Tulcharam, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.
11. Kanaram S/o Tulcharam, Resident Of Village Thoriyon Ki Dhani, Pal, Jodhpur.

----Respondents

For Petitioner(s) : Mr. Nitin Trivedi

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/02/2026

1. Learned counsel for the petitioner submits that the learned Trial Court erroneously rejected the application under Section 65 of the Evidence Act, 1872 as filed on behalf of plaintiff.

2. Learned counsel submits that the agreement to sell dated 20.11.1980 which was sought to be placed on record, was a document which found mention in the sale-deed dated 22.05.1989 and even in the corrigendum and the consent letter of the original khatedar.
3. In view of the submissions made, Admit. Issue notice to respondent No.1. Issue notice of the stay application also.
4. Notices be filed in two sets within a period of one week. On the same being filed, one set be given 'dasti' to learned counsel for the petitioner for service through registered post acknowledgment due.
5. Postal receipts of 'dasti' notices be filed within a period of one week from the date of receipt of 'dasti' notices.
6. Notices be made returnable after six weeks.
7. Meanwhile, further proceedings in Civil Suit No.97/2008 pending before Additional District Judge No.3, Jodhpur Metropolitan, Jodhpur shall remain stayed.
8. However, if the plaintiff agrees to taking of the document dated 20.11.1980 on record, the learned Trial Court may do permit so and proceed further with the suit proceedings. In that event, the present order shall cease to operate.

(MUKESH RAJPUROHIT),J