

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

S.B. Civil Second Appeal No. 71/2016

Legal representatives of Late Shri Kushalchand S/o Gajraj:-

1/1. Smt. Lali Devi W/o Late Shri Kushal Chand

1/2. Sampat Lal S/o Late Shri Kushal Chand

1/3. Hukmichand S/o Late Shri Kushal Chand

1/4. Meghraj S/o Late Shri Kushal Chand

1/5. Narendra Kumar S/o Late Shri Kushal Chand, All B/c Jain,
R/o – Juna Kairadu Marg, Barmer, District Barmer, Rajasthan.

----Appellant

Versus

Nagar Palika, Barmer through Executive Officer, Barmer, (Raj.).

----Respondent

For Appellant(s) : Mr. Himanshu Shrimali

For Respondent(s) : Mr. Rajesh Parihar

HON'BLE MS. JUSTICE REKHA BORANA

Order

24/02/2026

1. Vide order dated 13.11.2025, an interim order was passed by the Court but then, the substantial questions of law were not framed.

2. The following substantial questions of law arise in the present appeal:

(i) Whether both the learned Courts below erred in deciding issue No.1 against plaintiffs/appellants on the sole premise that the complete chain of title was not exhibited, despite the fact that sale deed of year 1975 executed in favour of plaintiffs/appellants was exhibited on record?

(ii) Whether the learned Courts erred in dismissing the suit for injunction as filed by plaintiffs on the premise that title of the

predecessor of the land in question was not proved despite the fact of the plaintiffs being in possession since the year 1975, been proved on record?

(iii) Whether the *patta* placed on record in the present appeal with an application under Order 41 Rule 27, CPC can be taken into consideration at the second appellate stage?

3. Admit. Issue notice.
4. Notices need not be issued as the respondent is represented by counsel Mr. Rajesh Parihar.
5. Call for the original records of both the learned Trial Court and the First Appellate Court.
6. Heard on stay petition.
7. Interim order dated 13.11.2025 is made absolute till the final hearing and disposal of the present second appeal.
8. Stay petition stands **disposed of**.

(REKHA BORANA),J