

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

S.B. Civil Writ Petition No. 6096/2026

Gangaram S/o Shri Ramji Bhat, Aged About 47 Years, R/o
Gayariyon Ka Mohalla, Bichhri, Tehsil Girwa, District Udaipur.

-----Petitioner

Versus

1. Lrs Of Narayan, S/o Late Shri Deva Ji Dangi Through His
Legal Representatives -
2. Bherulal S/o Late Shri Narayan Lal, R/o Gayariyon Ka
Mohalla, Bichhri, Tehsil Girwa, District Udaipur.
3. Devilal S/o Late Shri Dallaram, R/o Gayariyon Ka Mohalla,
Bichhri, Tehsil Girwa, District Udaipur.
4. Rukmani D/o Late Shri Dallaram, R/o Gayariyon Ka
Mohalla, Bichhri, Tehsil Girwa, District Udaipur.
5. Teji D/o Late Shri Dallaram, R/o Gayariyon Ka Mohalla,
Bichhri, Tehsil Girwa, District Udaipur.
6. Smt. Gulabi, R/o Gayariyon Ka Mohalla, Bichhri, Tehsil
Girwa, District Udaipur.

-----Respondents

For Petitioner(s)	:	Mr. Rishabh Shrimali
For Respondent(s)	:	

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

23/03/2026

It is contended by learned counsel for the petitioner that the respondent–plaintiff instituted a suit for permanent injunction. While filing the written statement, the petitioner disputed the property in question; however, the issue framed by the learned Trial Court does not encompass this material factual aspect. It is further submitted that the petitioner–defendant has moved an

application under Order XIV Rule 5 CPC seeking framing of an additional issue in this regard.

Learned counsel further submits that, in terms of Order XIV Rule 1 CPC, "issues" arise when a material proposition of fact or law is affirmed by one party and denied by the other.

In support of his submission, learned counsel relied upon the judgment passed in the case of ***Darogi & Ors Vs. Chetram & Ors.*** by coordinate Bench of this Court.

The matter requires consideration.

Issue notice to the respondent, returnable within a period of four weeks.

In the meanwhile and till next date of hearing, further proceedings in Civil Suit No.38/2014, pending before the learned Additional Sr. Civil Judge cum Additional Chief Judicial Magistrate No.4, Udaipur shall remain stayed.

(MUKESH RAJPUROHIT),J