

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

S.B. Civil Writ Petition No. 6179/2026

1. Chandra Singh S/o Tek Singh, Aged About 40 Years, R/o Dholi Magri, Presently Residing At Barlu, Bhim, District Rajamand (Raj.).
2. Dungar Singh S/o Tek Sing, Aged About 44 Years, R/o Dholi Magri, Presently Resinding At Barlu, Bhim, District Rajsamand (Raj.).

-----Petitioners

Versus

1. Meethu Devi W/o Govind Singh And D/o Gheesa Singh, R/o Negadiya Barakhan, Tehsil Taudgarh, Presently Residing At Behind Bharat Gas Agency (Hindaula), Tehsil Bhim, District Rajsamand (Raj.).
2. Kanta Devi D/o Gheesa Singh And W/o Kailash Singh, R/o Rajva, Tehsil Bar, District Beawar, Presently Residing At Miyathadi, Tehsil Bhim, District Rajsamand (Raj.).
3. Sita Devi W/o Mahendra Singh And D/o Gheesa Singh, R/o Tawaliya Aamner, Tehsil Bhim, Presently Residing At Dhauli Magri (Hindaula), Tehsil Bhim, District Rajsamand(Raj).
4. Jamna Devi W/o Gheesa Singh, R/o Dhuala Mangri (Hindaula) Bhim, Tehsil Bhim, District Rajsamand (Raj.).
5. Tara Devi W/o Prabhu Singh And D/o Gheesa Singh, R/o Miyala, Tehsil Devgarh District Rajsamnd (Raj.).
6. Tema Devi W/o Laxman Sing And D/o Gheesa Singh, R/o Banjaari, Tehsil Taudgarh, District Beawar (Raj.).
7. Rekha Devi W/o Khimsingh And D/o Gheesa Singh, R/o Banjaari, Tehsil Taudgarh, District Beawar (Raj).
8. Kailash Singh S/o Gheesa Singh, R/o Dhauli Mangri, (Hindaula) Bhim, Tehsil Bhim, District Rajsamand(Raj.).

-----Respondents

For Petitioner(s) : Mr. Avin Chhangani
Ms. Prenal Lodha

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

19/03/2026

1. It is contended by learned counsel for the petitioners that a partition suit was filed by the respondent No.1 & 2 (plaintiffs) to which the respondent nos.3-7 have filed their reply before the

learned trial Court, specifically averring that the property in question belongs to Tek Singh and that the petitioners are his legal heirs. It is submitted that the petitioners filed an application under Order I Rule 10 of CPC and along with the said application, an electricity bill to substantiate their possession over the land in question was also filed. However, the aforesaid fact was not considered by the learned trial Court and the application preferred by the petitioner under Order I Rule 10 of CPC was rejected.

2. It is further submitted that being in possession of the property, the petitioners are necessary parties and are required to be heard by the learned trial Court before any order affecting the disputed property/land in question is passed, however, this vital aspect has been overlooked by the learned trial Court while deciding the application under Order I Rule 10 of CPC.

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 Suit No.65/2024 pending before the learned Senior Civil Judge, Bhim, District Rajsamand shall remain stayed.

(MUKESH RAJPUROHIT),J