

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

S.B. Civil Second Appeal No. 87/2026

Narendra Bafna S/o Punamchand Bafana, Aged About 63 Years,
R/o Papad Seth Ki Shop Number 3, Sire Bazar, Merti Gate
Jodhpur.

-----Appellant

Versus

1. LRs of Late Laxman Singh, Insdie Merti Gate, Sire Bazar,
Jodhpur
1/1 Tara Laxman Gehlot, Inside Merti Gate, Sire Bazar,
Jodhpur
1/2 Nidhi Gehlot, Inside Merti Gate, Sire Bazar, Jodhpur
1/3 Alok Singh Gehlot, Inside Merti Gate, Sire Bazar,
Jodhpur

-----Respondents

For Appellant(s)	:	Mr. Jitendra Chopra
For Respondent(s)	:	

HON'BLE MS. JUSTICE REKHA BORANA

Order

28/03/2026

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

I. Whether the First Appellate Court erred in not deciding application under Order 41 Rule 27, CPC as filed on behalf of the appellant while passing the final judgment despite it being observed that the same would be taken into consideration at the time of final arguments ?

II. Whether the First Appellate Court erred in not recording any finding qua the premise of one tenant namely Deepak Tater who had handed over the vacant possession of the premise to

respondent landlord, to the effect whether the same was sufficient to fulfill the bonafide requirement of the plaintiff landlord ?

2. Admit. Issue notice.

3. Notices be filed in two sets. On the same being filed, one set be given '*dasti*' to learned counsel for the appellant for service through registered post acknowledgment due. Notices be made returnable on 05.05.2026.

Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

4. Meanwhile, the effect, operation and execution of the impugned judgment & decree shall remain stayed subject to the appellant depositing/paying an amount of Rs.5,000/- per month as mesne profit with the Court/to the respondent landlord.

5. Any default in payment of the said mesne profit would *ipso facto* cease the present order to operate and the respondent shall be at liberty to get the impugned decree executed.

(REKHA BORANA),J