

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil Writ Petition No. 6109/2026

Mamta Bishnoi

-----Petitioner

Versus

Smt. Lalita Panwar & Anr.

-----Respondents

For Petitioner(s) : Mr. Nishank Madhan

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

22/05/2026

1. The present civil writ petition has been filed being aggrieved by the order dated 16.02.2026 (Annexure-5) passed by the learned Additional District Judge No.5, Bikaner in Civil Miscellaneous Appeal No.26/2025 (C.I.S. No.76/2025), titled as Mamta Vs. Smt. Lalita & Anr., vide which the appeal filed by the petitioner/appellant/plaintiff applicant (hereinafter referred to as "petitioner") has been partly allowed and while holding that respondent No.1 is not entitled to evict the petitioner without following due process of law, a *suo motu* direction has been issued to the petitioner to make payment at the rate of Rs.5,000/- per bigha per month to respondent No.1 towards rent of the rented premises.

2. It is relevant to note that the said appeal was preferred against the order dated 13.11.2025, vide which the application filed by the petitioner under Order XXXIX Rule 1 and 2 of CPC was dismissed.

3. Mr. Nishank Madhan, learned counsel for the petitioner submits that the impugned order has been passed by the learned

Appellate Court travelling beyond its jurisdiction and authority to the extent it *suo motu* directs the petitioner to make payment towards rent at the rate of Rs.5,000/- per bigha per month to respondent No.1, despite there being no application or counter claim filed by respondent No.1 seeking such relief.

4. Learned counsel further submits that no such direction could have been issued by the learned Court below within the limited scope of consideration of the appeal.

5. Taking note of the same, issue notice to the respondents. Notice be sent through registered post in addition to normal process.

6. Notice be given '*dasti*' to the learned counsel for the petitioner.

7. List the matter on 23.07.2026.

8. Till the next date, the effect and operation of the impugned order dated 16.02.2026 shall remain stayed to the extent it directs the petitioner to make payment towards rent at the rate of Rs.5,000/- per bigha per month to respondent No.1.

(ANUROOP SINGHI),J