

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

S.B. Civil Writ Petition No. 6329/2026

1. Jagdish Vishnoi S/o Fagluram Vishnoi, Aged About 42 Years, Resident Of Village Beniwalo Ki Dhani, Vinayakpura Bhawaad, Tehsil Bawdi, Jodhpur At Present Residing At 10-11 B, Narsingh Vihar, Lalsagar, Mandore, District Jodhpur.
2. Sukhram Vishnoi S/o Fagluram Vishnoi, Aged About 54 Years, Resident Of Village Beniwalo Ki Dhani, Vinayakpura Bhawaad, Tehsil Bawdi, Jodhpur At Present Residing At 10-11 B, Narsingh Vihar, Lalsagar, Mandore, District Jodhpur.
3. Sahiram Vishnoi S/o Fagluram Vishnoi, Aged About 39 Years, Resident Of Village Beniwalo Ki Dhani, Vinayakpura Bhawaad, Tehsil Bawdi, Jodhpur At Present Residing At 10-11 B, Narsingh Vihar, Lalsagar, Mandore, District Jodhpur.
4. Poonaram Vishnoi S/o Fagluram Vishnoi, Aged About 37 Years, Resident Of Village Beniwalo Ki Dhani, Vinayakpura Bhawaad, Tehsil Bawdi, Jodhpur At Present Residing At 10-11 B, Narsingh Vihar, Lalsagar, Mandore, District Jodhpur.
5. Pramila Vishnoi W/o Jagdish Vishnoi, Aged About 42 Years, Resident Of Village Beniwalo Ki Dhani, Vinayakpura Bhawaad, Tehsil Bawdi, Jodhpur At Present Residing At 10-11 B, Narsingh Vihar, Lalsagar, Mandore, District Jodhpur.

-----Petitioners

Versus

1. Kumari Nandini Rathore D/o Lt. Bheru Singh, Residents Of Opp. Narpat Petrol Pump, Kishorebagh, Mandore Road, Jodhpur.
2. Kumari Jaya Rathore D/o Lt. Bheru Singh, Resident Of Opp. Narpat Petrol Pump, Kishorebagh, Mandore Road, Jodhpur.
3. Mrs. Hawan Kanwar W/o Lt. Bheru Singh, Resident Of Opp. Narpat Petrol Pump, Kishorebagh, Mandore Road, Jodhpur.
4. Mahendra Singh S/o Lal Singh, R/o Kishorebagh, Lalsagar Road, Near A Temple, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Muktesh Maheshwari with Mr. Gaurav Ranka
For Respondent(s)	:	Mr. Omprakash Boob with Mr. Bharat Boob

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT**Order****24/03/2026**

1. The present writ petition under Article 227 of the Constitution of India has been filed by the petitioners challenging the order dated 09.02.2026 (Annx.9) passed by the Rent Tribunal, Jodhpur Metropolitan in Case No. 06/2026 titled "*Jagdish Vishnoi & Ors. vs. Kumari Nandini Rathore & Ors.*", whereby the application submitted by the petitioners seeking stay of further proceedings in the Execution Case No. 81/2023 till disposal of their objection application, has been rejected.

2. Briefly stated, the facts as set out in the writ petition are that the dispute pertains to land situated at Village Mandore, Jodhpur, known as "Kishore Bagh." The property was originally owned by Bheem Singh and subsequently devolved upon his legal heirs, namely, Maharaja Bheru Singh and Mrs. Virendra Kumari. Upon the demise of Mrs. Virendra Kumari, her share devolved upon Bhanupratap, Amar Singh, Anuradha and Neera Kumari. Following the death of Neera Kumari, her share was inherited by Lakshita and Karan Singh. Thereafter, Bhanupratap, Lakshita, and Karan Singh executed ten different registered sale deeds dated 27.12.2018 in favour of the petitioners in respect of portions of the land bearing Plots No. 1 to 10, and possession was also handed over.

3. Subsequently, respondent Nos. 1 to 3 instituted a civil suit seeking cancellation of the said sale deeds along with injunction. The petitioners filed their written statements and counter-claims,

and the Additional District Judge No. 7, Jodhpur Metro passed an order of status quo on 06.08.2022. Parallely, eviction proceedings under the Rajasthan Rent Control Act, 2001 were initiated concerning a shop situated on the said land. Although, the eviction petition was initially dismissed, the appellate court, by judgment dated 30.11.2022, allowed the appeal and ordered eviction of the tenant, Mahendra Singh (respondent No. 4 herein). Thereafter, respondent Nos. 1 to 3 initiated execution proceedings.

4. The petitioners filed objections asserting that they are *bona fide* purchasers in possession since 27.12.2018; that the tenant had already vacated the premises and handed over possession to them; and that the execution proceedings are illegal and based on suppression of material facts. They also filed an application seeking stay of execution proceedings till disposal of their objections. The respondents refuted these claims, contending that the property remains undivided and belongs to them, that the sale deeds are void, and that the petitioners have neither title nor possession. The Executing Court, by order dated 09.02.2026, declined to stay the execution proceedings, holding that issues of title cannot be adjudicated at that stage, though granting 30 days' time to the petitioners to avail appropriate remedies. Aggrieved thereby, the present writ petition has been filed.

5. Heard learned counsel for the parties.

6. Learned counsel for the petitioners contends that the impugned order dated 09.02.2026 is *ex-facie* illegal and untenable, as it contravenes earlier status quo order dated 06.08.2022, inasmuch as the continuation of the execution

proceedings is likely to disturb existing possession of the disputed property.

7. It is contended that the Executing Court ought to have stayed the execution proceedings to preserve the subject matter of the dispute during the pendency of the civil suit. It is further submitted that the Executing Court adopted a contradictory approach by acknowledging that issue of title is under dispute, yet permitting continuation of execution, which is legally impermissible.

8. Learned counsel for the petitioners argues that the petitioners are *bona fide* purchasers for valuable consideration under registered sale deeds dated 27.12.2018 and have been in lawful possession; hence, eviction proceedings against a tenant cannot prejudice their rights. It is also contended that respondent No. 4 had already vacated the premises and handed over possession to the petitioners, rendering the execution proceedings infructuous. Additionally, it is urged that the respondents have suppressed material facts relating to prior transfer and possession.

9. It is further submitted that execution proceedings cannot be used to dispossess third parties claiming independent rights, title and possession. The impugned order, it is argued, reflects non-application of mind and failure to consider the binding status quo order. Accordingly, it is prayed that the impugned order be set aside in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

10. *Per contra*, learned counsel for respondent Nos. 1 to 3 submits that the writ petition challenges an order passed under

Section 21 of the Rajasthan Rent Control Act read with Order XXI Rule 97 of C.P.C., and that the petitioners' application has rightly been rejected. It is contended that the disputed property, "Kishore Bagh," has always remained a single undivided property under the ownership of the respondents and was never partitioned.

11. It is further submitted that the original patta dated 03.06.1949 stands in the names of Bhim Singh s/o Arjun Singh, and therefore, alleged sale deeds executed by Bhanu Pratap and others are *void ab initio*, as they had no valid title to transfer. Reliance is placed on the judgment of the Andhra Pradesh High Court in ***Dr. Yadla Ramesh Naidu vs. The Sub-Registrar, Sabbavaram & Ors.*** reported in ***2009(1) Civil Court Cases 588*** (A.P.), to contend that mere registration does not confer title unless the transferor has valid ownership and authority to transfer the property.

12. Learned counsel for the respondents further submits that an earlier partition suit bearing Suit No. 55/2006 filed by Bhanu Pratap and others was dismissed by judgment dated 08.05.2007 and the First Appeal No. 797/2011 filed against the same before the High Court was dismissed vide judgment dated 12.01.2015, thereby conclusively establishing the respondents' rights over the property.

13. It is also contended that in earlier writ proceedings i.e. Writ Petition No. 6956/2023, respondent No. 4 did not assert that possession had been handed over to the petitioners, which undermines their present claim. On the contrary, respondent No. 4 furnished an undertaking on 08.01.2026 before the Rent Tribunal

to hand over possession to respondent Nos. 1 to 3 on 22.01.2026.

Thus, it is argued that the petitioners have suppressed material facts and are not entitled to any relief.

14. I have considered the submissions advanced by learned counsel for the parties, perused the material on record, and examined the cited judgment.

15. In the present case, the petitioners sought stay of execution proceedings primarily on the ground that they are *bona fide* purchasers in possession and that the question of title is pending adjudication before a competent civil court. However, the Executing Court has categorically held that issues relating to title cannot be decided at the stage of execution.

16. It is undisputed that earlier proceedings concerning the same property, including a partition suit filed by the heirs of Late Virendra Kumari, have already been dismissed and such dismissal has attained finality up to the High Court. *Prima facie*, therefore, the petitioners' claim of title remains seriously disputed.

17. The Executing Court has also taken note of the fact that respondent No. 4, against whom the eviction decree was passed, acknowledged the respondents as landlords and undertook to hand over possession to them. In such circumstances, the petitioners' claim of having been handed possession does not appear credible at this stage.

18. The contention regarding violation of the status quo order dated 06.08.2022 is also untenable. The said order was passed in a civil suit where the rights of the parties are yet to be finally determined, whereas, the execution proceedings arise from an

independent eviction decree under the Rajasthan Rent Control Act. It is well settled that an Executing Court is bound to execute the decree as it stands and cannot adjudicate upon complex questions of title.

19. Upon consideration, this Court finds that the Executing Court has exercised its jurisdiction in accordance with law and has provided cogent reasons for rejecting the application for stay. No case of jurisdictional error, illegality, or perversity is made out warranting interference under Article 227.

20. The scope of interference under Article 227 of the Constitution of India is limited. This Court does not act as an appellate authority over orders of subordinate courts, and interference is warranted only in cases of patent illegality, perversity, or jurisdictional error.

21. Accordingly, the writ petition, being devoid of merit, is dismissed.

22. The stay application and all pending application(s), if any, also stand disposed of.

23. No order as to costs.

(MUKESH RAJPUROHIT),J