

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

S.B. Civil Writ Petition No. 6353/2026

1. Bhawani Shanker S/o Shri Baldev Ji, Aged About 62 Years, Resident Of Potla, Tehsil Sahada, District Bhilwara (Raj.).
2. Laxman S/o Shri Bhawani Shanker, Aged About 42 Years, Resident Of Potla, Tehsil Sahada, District Bhilwara (Raj.).

----Petitioners

Versus

1. Nathu S/o Shri Bherulal, Resident Of Potla, Tehsil Sahada, District Bhilwara (Raj.).
2. Chhagna S/o Shri Bherulal, Resident Of Potla, Tehsil Sahada, District Bhilwara (Raj.).
3. Ladulal S/o Shri Bherulal, Resident Of Potla, Tehsil Sahada, District Bhilwara (Raj.).
4. Hazari S/o Shri Bherulal, Resident Of Potla, Tehsil Sahada, District Bhilwara (Raj.).
5. Ramesh S/o Shri Nathu, Resident Of Potla, Tehsil Sahada, District Bhilwara (Raj.).
6. Branch Manager, Cooperative Land Development Bank, Bhilwara, Gangapur Branch, Tehsil Sahada, District Bhilwara (Raj.).
7. State Of Rajasthan, Through District Collector Bhilwara, District Bhilwara (Raj.).
8. Tehsildar, Tehsil Sahada, District Bhilwara (Raj.).

----Respondents

For Petitioner(s) : Mr. Hemant Jain
Ms. Kusha Sharma
Mr. Mohit Bishnoi

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

23/03/2026

1. It is contended by learned counsel for the petitioners that the learned trial Court has erred in rejecting the application preferred by the petitioners under Order 14 Rule 5 of the CPC for framing of additional issue, as no relevant and material issue has

been framed by the learned trial Court on the basis of pleadings of the petition while framing the issues. The learned trial Court has committed a grave illegality in framing the issues without there being any material available on record to substantiate such framing of issues. It is further submitted that the issue No.7 is in respect to deficit stamp duty which also does not cover the issue proposed by the petitioners.

2. Learned counsel for the petitioner relies upon the order dated 19.08.2025 passed by a Coordinate Bench of this Court in the case of ***Darogi & Ors. Vs. Chetram & Ors. (S.B. Civil Writ Petition No.17904/2018)***

2. The matter requires consideration.

3. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.

4. In the meanwhile and till next date, further proceedings in Civil Original Suit No.16/2025 pending before the learned Senior Civil Judge, Gangapur, District - Bhilwara shall remain stayed.

(MUKESH RAJPUROHIT),J