

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

S.B. Civil Writ Petition No. 6343/2026

Smt. Raziya Banu W/o Hakim Mohammed Ji, Aged About 64 Years, R/o Sohankhera, Tehsil Bhadesar, District Chittorgarh (Raj.).

----Petitioner

Versus

1. Kamruddin S/o Laduji, R/o Sohankhera, Tehsil Bhadesar, District Chittorgarh (Raj.).
2. Anwar Khan S/o Laduji, R/o Sohankhera, Tehsil Bhadesar, District Chittorgarh (Raj.).
3. Ladu S/o Sultan Khan, R/o Sohankhera, Tehsil Bhadesar, District Chittorgarh (Raj.).

----Respondents

For Petitioner(s) : Ms. Deepika Soni

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/03/2026

1. By way of the present writ petition, the petitioner has assailed the order dated 27.02.2026 passed by the learned Civil Judge, Mandfiya, District Chittorgarh in Civil Suit No. 10/2019, whereby the application filed by the petitioner under Order XIV Rule 5 read with Section 151 of CPC has been rejected.

2. Learned counsel for the petitioner submits that a suit for permanent injunction and cancellation of the gift deed dated 03.05.2018 was instituted by the respondent(s)/plaintiffs. It is further submitted that, upon completion of pleadings, the learned trial court framed issues. During the pendency of the suit, the petitioner/defendant No.1 filed an application under Order XIV Rule 5 CPC seeking framing of an additional issue, contending that defendants in Para 3 of special pleas in their written statement,

specifically pleaded that executant of document in question was alive and he did not raise any objection regarding said document and therefore, plaintiffs were not entitled to bring the suit. The additional issue(s) sought to be framed reads as under :-

"आया प्रतिवादीगण दस्तावेज निष्पादनकर्ता वर्तमान में जिवित होकर उसके द्वारा दस्तावेज बाबत कोई एतराज प्रस्तुत नहीं किया हैं तथा वादीगण उक्त वाद लाने का अधिकारी नहीं है।"

3. Learned counsel for the petitioner has relied upon a decision of this Court at Jaipur Bench in the case of *Rameshwar & Ors. Vs. Masoom Ali Khan & Ors.* (S.B. Civil Writ Petition No.5112/2020).

4. The respondent(s)/plaintiffs filed a reply to the said application, asserting that issue sought to be framed was covered by issues already framed by the trial Court. The issues framed by the learned trial court were proper and required no interference. It was further contended that the application had been filed solely with the intent to delay the proceedings, and thus deserves dismissal.

5. Heard learned counsel for the petitioner. Perused the reply filed by the respondent(s) as well as the impugned order.

6. Having considered the facts and circumstances of the case, this Court is prima facie of the view that the issue sought to be introduced by the petitioner/defendant has already been substantially covered under Issue No.4 framed by the learned trial court. As regards the validity of the impugned order, it is noted that the suit was instituted in the year 2019 and issues were framed in the year 2024. After completion of evidence of the parties, the matter was posted for final arguments on 13.01.2026, and thereafter on consecutive dates, i.e., 17.01.2026,

19.01.2026, and 27.01.2026. It is further evident that on 27.01.2026, the petitioner/defendant filed an application under Order VII Rule 11 CPC, which came to be dismissed with cost of Rs.2,000/-, by the learned trial court observing that the application had been filed at a belated stage. Subsequent to the rejection of the said application, the petitioner filed another application seeking opportunity/time to challenge the said order which was also dismissed. Then, the present application under Order XIV Rule 5 CPC came to be filed, which too was dismissed on the ground that the petitioner was having ample time to seek amendment of the issues and that the application was filed with an intent to protract the proceedings. A perusal of the record reveals a consistent pattern of conduct on the part of the petitioner/defendant, who, at the stage when the suit had already reached at final hearing, has repeatedly sought to delay the proceedings by filing successive applications.

7. In view of the foregoing, this Court is of the considered opinion that the learned trial court has not committed any illegality, perversity in rejecting the application under Order XIV Rule 5 CPC. The impugned order, therefore, does not warrant interference by this Court in exercise of its supervisory jurisdiction.

8. Accordingly, the present civil writ petition stands dismissed.

9. All pending applications, including the stay application, if any, also stand dismissed.

(MUKESH RAJPUROHIT),J