

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

S.B. Civil Writ Petition No. 6825/2026

1. Kumari Nandini D/o Late Bheru Singh, Aged About 29 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.
2. Kumari Jaya D/o Late Bheru Singh, Aged About 26 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.
3. Smt. Havan Kanwar W/o Late Bheru Singh, Aged About 64 Years, Resident Of Kishore Bagh, Mandore Road, Jodhpur.

-----Petitioners

Versus

1. Sukhram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
2. Jagdish S/o Fagluram, R/o 10, 11-B, Narsingh Vihar, Lal Sagar, Mandore, Jodhpur.
3. Sahiram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
4. Punaram S/o Fagluram, R/o Beniwalo Ki Dhani, Vinayakpura, Bhawad, District Jodhpur.
5. Pramila W/o Jagdish Bishnoi, R/o 10, 11-B, Narsingh Vihar, Lal Sagar, Mandore, Jodhpur.
6. Bhanupratap Singh S/o Devi Singh, R/o Alirajpur Road, Dahi, Tehsil Kushi, District Dhar, Madhya Pradesh.
7. Smt. Lakshita D/o Late Hanwant Singh, R/o 51/14, Swarnpuri Society, Chiku Badi, Vadodara, Gujarat.
8. Karan Singh S/o Late Hanwant Singh, R/o 7, Gokul Kundan Nagar, Ajmer.

-----Respondents

For Petitioner(s) : Mr. Khet Singh Rajpurohit

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

28/03/2026

1. It is contended by learned counsel for the petitioners that the petitioners have preferred a suit for declaration and permanent injunction and the respondents-defendants (sellers), who executed sale deed, have not chosen to file written

statement, whereas the subsequent purchasers (defendant Nos.1 to 5) filed their written statement to the suit making certain personal allegations against the petitioners. In these circumstances, the petitioners have preferred an application under Order VI, Rule 16 of the CPC with the specific averment while giving out details of para numbers of respective written statements with counter claims filed by the subsequent purchasers wherein, the personal allegations were levelled against them. Though, the reply to the said application was filed, but the said facts was not rebutted in specific manner. The defendant Nos.1 to 5 have no right to plead anything about the legacy and inheritance of the petitioners. It is submitted that they are party to the suit only for the reason that some unauthorized and bogus documents of sale have been created in connivance with the defendant Nos.6 to 8. However, the learned trial Court while deciding the application has not considered these facts.

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.88/2022 (NCV No.210/2022) pending before the learned Additional District Judge No.7, Jodhpur Metropolitan, Jodhpur shall remain stayed.

(MUKESH RAJPUROHIT),J