

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

S.B. Civil Miscellaneous Appeal No. 1492/2026

1. Dalpatraj S/o Shri Pusharamji, Aged About 34 Years,
Resident Of Ram Nagar, Village Jhalamand, Tehsil And
District Jodhpur.
2. Shri Phaglu Ram S/o Shri Manaramji, Aged About 47
Years, Resident Of Ram Nagar, Village Jhalamand, Tehsil
And District Jodhpur.

----Appellants

Versus

Dhokalram S/o Shri Kishanaram Alias Bachhnaram, Resident Of
Raikon Ka Bas Village Jhalamand Tehsil And District Jodhpur.

----Respondent

For Appellant(s) : Mr. Om Prakash Boob

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

29/04/2026

It is contended by learned counsel for the appellant that a suit for specific performance, along with an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, was filed before the learned trial Court. However, the said application was decided without due consideration of the fact that the agreement to sell had been executed in favour of the appellant-plaintiff. It is further submitted that, in the event the property in question is alienated during the pendency of the suit, the appellant shall suffer irreparable loss.

The matter requires consideration.

Issue notice to the respondent, returnable within a period of six weeks.

Call for the record of application pertaining to temporary injunction.

In the meanwhile, and till the next date of hearing, the respondent is directed not to create any third-party rights in respect of the property in question, and further not to alter or change the nature of the said property.

(MUKESH RAJPUROHIT),J

23-AbhishekS/-