

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

S.B. Civil Second Appeal No. 104/2026

General Public Village Mewda, Tehsil Degana Through
Representatives 1. Bhanwar Lal S/o Gudarram Age 72 Years 2.
Pusaram S/o Shankar Lal, Age 77 Years 3. kailash Chand S/o
Shankar Lal Age 70 Years All R/o Mewada , Tehsil Degana , Dist.
Nagaur (At Present Present Dist. Deedwana -Kuchaman)

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Versus

1. State Of Raj., Through District Collector, Nagaur.
2. Tehsildar Degana, District Nagaur
3. Patwari Halka, Mewda, Tehsil Degana.
4. Gram Panchayat Mewda, Through Sarpanch.
5. Aaduram S/o Khangar Ram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
6. Karnaram S/o Khangar Ram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
7. Chainaram S/o Khangar Ram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
8. Lrs Of Gudarram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana- Kuchaman.
9. Isharram S/o Gurarram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
10. Sugnadevi W/o Gudarram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
11. Mohan Singh S/o Gulab Singh, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
12. Suman Kanwar D/o Shaitan Singh, W/o Narpat Singh Rathore, Resident Of Ganthilasar, Tehsil Nagaur District Nagaur At Present Jaipur.
13. Suraj Kanwar D/o Shaitan Singh, W/o Mangej Singh, Resident Of Ganthilasar, Tehsil Nagaur District Nagaur

14. Vishnu Kanwar D/o Shaitan Singh, W/o Jas Singh, Resident Of Ganthilasar, Tehsil Nagaur District Nagaur
15. Saurab Kanwar D/o Shaitan Singh, W/o Nandu Singh Rathore, Resident Of Ganthilasar, Tehsil Nagaur District Nagaur At Present Jaipur.
16. Narsiram S/o Bhanwara Ram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
17. Champaram S/o Bhanwara Ram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana- Kuchaman.
18. Megharam S/o Bhanwara Ram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.
19. Kaluram S/o Bhanwara Ram, Resident Of Mewda, Tehsil Degana, District Nagaur At Present District Deedwana-Kuchaman.

-----Respondents

For Appellant(s)	:	Mr. Vishal Sharma
For Respondent(s)	:	-

HON'BLE MR. JUSTICE FARJAND ALI

Order

01/05/2026

1. After hearing learned counsel for the appellant and going through the judgment passed by the learned court of first instance and appeal, this court feels that indeed serious and substantial questions of law are involved in the matter, which are as follows :
 - (i) Whether the learned appellate court has committed serious illegality in not deciding the application filed under Order 41 Rule 27 CPC at the time of deciding the appeal?

- (ii) Whether the learned court below have given absolutely contradictory finding while deciding the issues?
- (iii) Whether the learned courts below have committed serious illegality in dismissing the prayer of permanent injunction?
- (iv) Whether the appellate court has committed serious illegality in deciding the appeal without formulating proper point of determination as per order 41 Rule 31 CPC?
- (v) Whether the trial court has committed serious illegality in dismissing the application filed under Order 26 Rule 9 CPC despite the dispute involves demarcation and measurement of the revenue land (pasture land)?
- (vi) Whether both the courts below erred in law in not taking legal question that the standard of onus to prove the facts in case of a suit in representative capacity is altogether different than to a case relating to a dispute between the private parties.

2. Admit.

3. Issue notice. Rule be made returnable in four weeks.

4. Call for the record.

5. In the meanwhile, status quo as existing today of the land and the record shall be maintained by the parties.

(FARJAND ALI),J