

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

S.B. Civil Writ Petition No. 8701/2026

Tara Devi W/o Late Shri Kaluram Ji Alias Ganpat Ji, Aged About 55 Years, Resident of Ghanchiyo Ki Gali, Jhalamand Circle, Tehsil and District Jodhpur.

-----Petitioner

Versus

1. Pankaj Soni S/o Shri Yashwant Soni, Resident of Shriram Bhawan, Jalori Gate Bari, Jodhpur.
2. Nirmal Kumar Soni S/o Shri Yashwant Soni, Resident of Shriram Bhawan, Jalori Gate Bari, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Jai Kishan Bhaiya Mr. Mayank Bhaiya
For Respondent(s)	:	

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

21/04/2026

1. Heard learned counsel for the petitioner and perused the material available on record.
2. The subject matter of dispute between the parties in respect of shop No.5 at Girdhar Market, Jodhpur.
3. Respondents-plaintiffs filed a civil suit for permanent injunction along with application for temporary injunction in respect to the shop in question alleging inter alia, that the same was purchased through registered sale-deed dated 29.06.2020 from one Shri Kalu Ram, who is husband of the present petitioner-defendant and entire sale consideration was paid. However, since the seller has later on passed away, his wife i.e. defendant wants

to interfere in peaceful use and occupation of the shop in question, hence, plaintiffs seek injunction against defendant.

4. Reply to the application for temporary injunction was filed by the petitioner-defendant and a plea was taken that a civil suit seeking cancellation of the sale-deed dated 29.06.2020 has been filed, which is yet pending, therefore, possession of plaintiffs based on the sale-deed, may not be assumed.

5. Learned trial Court vide order dated 04.02.2026 allowed the stay application and passed following injunction order against the defendant:-

"10. परिणामस्वरूप, प्रार्थीगण का प्रार्थना-पत्र अन्तर्गत आदेश 39 नियम 1 व 2 सपठित धारा 151 दीवानी प्रक्रिया संहिता विरुद्ध अप्रार्थीगण स्वीकार किया जाकर अप्रार्थी को मूल वाद के निस्तारण तक पाबंद किया जाता है कि अप्रार्थी प्रार्थीगण की खरीदसुदा दुकान संख्या 5 में प्रार्थीगण के उपयोग उपभोग में बाधा उत्पन्न नहीं करे, ना किसी अन्य से करावे।"

6. Civil Misc. Appeal filed by the petitioner-defendant against the order dated 04.02.2026 was dismissed by the Appellate Court vide order dated 10.04.2026 (Annexure-7).

7. After arguing the matter for some time and after obtaining instructions from the petitioner, learned counsel prays for withdrawal of the writ petition with liberty to pursue her civil suit for cancellation of sale deed dated 29.06.2020 and submits that the findings recorded by the trial Court and upheld by the Appellate Court may not come in his way in deciding that suit, on merits.

8. This Court is of the considered opinion that the impugned orders are interim and findings have been recorded in order to consider a prima facie case and grant of stay, which shall neither

affect the parties in the present suit nor the another suit filed by the defendant for cancellation of sale-deed, hence, no such liberty is required.

9. Accordingly, without interference in the impugned orders dated 04.02.2026 (Annex.-5) and 10.04.2026 (Annex.-7), the instant writ petition is dismissed as not pressed with the above observations.

10. All pending application(s), if any, stand disposed of.

(SUDESH BANSAL),J