

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

S.B. Civil Miscellaneous Appeal No. 1471/2026

1. Chunnilal S/o Shri Bhagwanji Mali, Aged About 69 Years,
Resident Of Aadarsh Nagar, Sirohi, Tehsil District-Sirohi
2. Smt. Shanti Devi W/o Shri Chunnilal Mali, Aged About 67
Years, Resident Of Aadarsh Nagar, Sirohi, Tehsil District-
Sirohi

----Appellants

Versus

1. Ramlal S/o Shri Gopalram Mali, Resident Of Goyali, Tehsil
District-Sirohi.
2. Narendra Kumar S/o Shri Champalal Mali, R/o Choudhary
Colony Sumerpur, Tehsil Sumerpur, Dist. Pali
3. The Sub Registrar, Sub-Registrar Office, Sirohi
4. Kalyan Singh S/o Shri Ladu Singh, Resident Of Bharunda,
Tehsil-Sumerpur, District-Pali
5. Mithlesh Sharma S/o Shri Manoharlal, Resident Of 35,
Mandir Wali Gali, Chawani Sheoganj, Tehsil-Sheoganj,,
District-Sirohi

----Respondents

For Appellant(s) : Mr. Suniel Purohit

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

22/04/2026

1. Learned counsel for the appellants submits that the appellants–plaintiffs instituted a suit seeking cancellation and declaration of the sale deed dated 01.03.2025 as null and void, along with an application under Order XXXIX Rules 1 and 2 CPC. It is submitted that the impugned sale deed was executed on the basis of a power of attorney given by the appellants, however, the

said power of attorney specifically contained a condition that no sale deed could be executed without their prior consent. Despite this, respondent No. 1, in breach of the terms and conditions of the power of attorney and by playing fraud, proceeded to transfer the said land.

It is further submitted that during the pendency of the suit, an ad-interim order dated 21.04.2025 was passed directing the parties to maintain status quo. Learned counsel further submits that the learned trial Court, vide order dated 08.04.2026, rejected the application under Order XXXIX Rules 1 and 2 CPC on unsustainable and untenable grounds, without due consideration of the peculiar factual matrix of the case.

2. The matter requires consideration.
3. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.
4. Call for the record of application under Order XXXIX Rules 1 and 2 of CPC.
5. In the meanwhile and till next date, status quo with regard to the property in question, as it exists today, shall be maintained by both the parties.

(MUKESH RAJPUROHIT),J