

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

S.B. Civil Second Appeal No. 162/2024

1. Chairman And Managing Director, Rajasthan Rajaya Vidhyut Prasaran Nigam Ltd., Jyoti Nagar, Jaipur.
2. Chief Engineer, Rajasthan Rajaya Vidhyut Prasaran Nigam Ltd., Jodhpur Division, New Power House, Jodhpur (Raj.)
3. Superintending Engineer, Rajasthan Rajaya Vidhyut Prasaran Nigam Ltd., Sirohi.
4. Executive Engineer, Rajasthan Rajaya Vidhyut Prasaran Nigam Ltd., Rabiwada Road, Bhinmal, Dist. Jalore.

----Appellants

Versus

1. Late Sh. Kushal Vardhan, W/o Laxmi Chand Through Lrs
- 1/1. Sandesh Vardhan S/o Late Laxmi Chand, R/o Bhinmal, Dist. Jalore.
- 1/2. Indubala D/o Late Laxmi Chand, R/o Bhinmal, Dist. Jalore.
- 1/3. Sayali D/o Late Laxmi Chand, R/o Bhinmal, Dist. Jalore.
2. Moti Chand S/o Sanwal Chand, R/o Bhinmal, Dist. Jalore.
3. Heera Chand S/o Sanwal Chand, R/o Bhinmal, Dist. Jalore.

----Respondents

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| For Appellant(s)  | : | Mr. C.P. Soni                               |
| For Respondent(s) | : | Mr. Lokesh Mathur with<br>Mr. Prakash Kumar |

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**HON'BLE MS. JUSTICE REKHA BORANA**

**Order**

**10/02/2026**

1. The present second appeal has been filed aggrieved of judgment and decree dated 24.04.2024 passed by the Additional District Judge, Bhinmal, District Jalore in Civil Appeal Decree No. 03/2024 whereby judgment and decree dated 06.10.2023 passed

by the Senior Civil Judge, Bhinmal, District Jalore (hereinafter referred to as the 'learned Trial Court') in Civil Original Suit No.4/2023, stood affirmed.

2. Vide judgment and decree dated 06.10.2023, the learned Trial Court proceeded on to decree the suit for permanent injunction as filed by the plaintiffs.

3. The case of the plaintiffs was that the defendant Department was trying to demolish the boundary wall as constructed by them on their land and further, were trying to include the land of public way and of an existing *nala*, in their land.

4. The case of the defendants was that the land in question was a government land and was allotted to them. The plaintiffs had encroached on the land in question and hence, were not entitled for any relief.

5. The learned Trial Court while relying upon the Jamabandi (Ex.1) held that land of Araj No.4119 to 4122 was a khatedari land of the plaintiffs and their lawful possession on the said land was proved on record.

6. So far as the allotment of the land in question to the defendants is concerned, the Court specifically held that no document to the said effect was placed on record by the defendants. The Court further held that the existence of a *nala* as well as a public way on the site in question was not disputed rather was established on record. The width of the *nala* being around 100 feet was also established on record. The wall in question been constructed some where before the year 1966 was also found to be proved.

7. Both the Courts below therefore, on basis of the oral as well as documentary evidence as led by the plaintiffs, held the plaintiffs entitled for a decree of permanent injunction.

8. After hearing the Counsels and perusing the record, this Court is of the clear opinion that the findings as recorded by the learned Trial Court and affirmed by the First Appellate Court are firstly, factual in nature and secondly, based on the evidence as led by the parties. The same does not deserve any interference by this Court.

9. No substantial question of law thus arises in the present second appeal and the same is hence, **dismissed**.

10. Stay petition and pending applications, if any, stand **disposed of**.

**(REKHA BORANA),J**