

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

S.B. Civil Second Appeal No. 147/2023

Smt. Mohini W/o Kesara Ram, Aged About 65 Years, By Caste Meghwal, R/o Village Kankrala, Tehsil And Dist Bikaner. At Present Village Amarpura, Old Tehsil Pugal (New Chhatargarh) District Bikaner.

----Appellant

Versus

1. Dhuda Ram S/o Balu Ram, By Caste Meghwal, R/o Chak 1Mdwm, Old Tehsil Pugal (New Chhatargarh) District Bikaner (Plaintiff In Original Suit)
2. Musmmat Mirdha W/o Surjaram, By Caste Meghwal, R/o Village Kankrala, Tehsil And District Bikaner. At Present R/o Village Amarpura Tehsil Pugal District Bikaner. (Defendant In Original Suit)
3. Uda Ram S/o Chuna Ram, By Caste Meghwal, R/o Village Kankrala, Tehsil And District Bikaner (Defendant In Original Suit)

----Respondents

For Appellant(s)	:	Mr. Varun Goyal
For Respondent(s)	:	Mr. Nishank Madhan

HON'BLE MS. JUSTICE REKHA BORANA

Order

10/02/2026

1. The following substantial questions of law arise in the present appeal:

(i) Whether the First Appellate Court erred in reversing the findings recorded by the learned Trial Court despite there being contrary evidence of PW-2 Ruparam and PW-3 Amraram available on record?

(ii) Whether the First Appellate Court erred in holding that the plaintiff succeeded in proving the execution of agreement

dated 03.08.1991 (Exhibit-1) despite the evidence on record being contrary to the same?

2. Admit. Issue notice.

3. Notices be issued to respondent Nos.2 & 3 only as respondent No.1 is represented by counsel who has put in appearance in caveat.

4. Notices be filed within a period of one week.

5. Heard on stay petition.

6. Counsel for the respondents submits that in pursuance to the order of the Executing Court, the sale deed has already been executed in favour of respondent no.1. However, as during the pendency of the appeal, the possession was taken over by the appellant, an application for restoration of the possession to respondent No.1 has been filed by him before the Executing Court which remains pending.

7. In view of the aforesaid, till the final hearing and disposal of the present appeal, further proceedings pending before the Executing Court shall remain stayed. The respondents shall also be restrained from alienating or transferring the property in question and from creating any third party rights in the same, by virtue of the sale deed executed in his favour.

8. Stay petition stands **disposed of**.

(REKHA BORANA),J