

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

S.B. Civil Writ Petition No. 15854/2025

Smt. Seeta Devi W/o Prakash Chandra, Aged About 50 Years,  
Resident Of Tagarh, Tehsil And District Beawar (Raj.).

-----Petitioner

Versus

1. Lrs. Of Late Shri Maal Singh, S/o Shri Nanga Singh Ji Rawat, Through His Legal Representatives -
2. Smt. Jamni W/o Late Shri Maal Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, At Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem, District Rajsamand (Raj.).
3. Shri Trilok Singh S/o Late Shri Maal Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, At Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem, District Rajsamand (Raj.).
4. Shri Bhagwan Singh S/o Late Shri Maal Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, At Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem, District Rajsamand (Raj.).
5. Shri Prem Singh S/o Late Shri Maal Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, At Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem, District Rajsamand (Raj.).
6. Smt. Naina Devi W/o Shri Puran Singh Ji, D/o Late Shri Maal Singh Ji Rawat, Resident Of Jaliya Roopawas, Tehsil And District Beawar (Raj.)
7. Smt. Santosh Devi W/o Shri Raju Singh Ji, D/o Late Shri Maal Singh Ji Rawat, Resident Of Negadiya Badakhera, Tehsil And District Pali (Raj.).
8. Naveen Singh S/o Late Shri Jeevan Singh Ji, (Grandson Of Late Shri Maal Singh Ji Rawat), Minor Through His Natural Guardian Smt. Parwati W/o Late Shri Jeevan Singh Ji (Daughter-In-Law Of Late Shri Maal Singh Ji Rawat), Resident Of Paatiya (Bheem), Tehsil Bheem, At Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem, District Rajsamand (Raj.).
9. Meera D/o Late Shri Jeevan Singh Ji, (Granddaughter Of Late Shri Maal Singh Ji Rawat), Minor Through Her Natural Guardian Smt. Parwati W/o Late Shri Jeevan Singh Ji (Daughter-In-Law Of Late Shri Maal Singh Ji Rawat), Resident Of Paatiya (Bheem), Tehsil Bheem, At Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem, District Rajsamand (Raj.).
10. Minakshi D/o Late Shri Jeevan Singh Ji, (Granddaughter Of Late Shri Maal Singh Ji Rawat), Minor Through Her Natural Guardian Smt. Parwati W/o Late Shri Jeevan Singh Ji (Daughter-In-Law Of Late Shri Maal Singh Ji Rawat), Resident Of Paatiya (Bheem), Tehsil Bheem, At

Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem,  
District Rajsamand (Raj.).

11. Smt. Parwati W/o Late Shri Jeevan Singh Ji, Resident Of Paatiya (Bheem), Tehsil Bheem, At Present Resident Of Kundaal Ki Gunwar, Tehsil Bheem, District Rajsamand (Raj.).
12. Shri Bheru Singh S/o Shri Nanga Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
13. Shri Maal Singh S/o Shri Nanga Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
14. Late Smt. Ghisi Devi W/o Late Shri Khet Singh Ji Rawat, Through Her Legal Heir -
15. Smt. Teeji Devi W/o Shri Ranjeet Singh Ji Rawat, D/o Late Shri Khet Singh Ji Rawat, Resident Of Ranawas, Tehsil And District Beawar (Raj.).
16. Late Smt. Devi Bai W/o Shri Narayan Singh Ji Rawat, D/o Late Shri Khet Singh Ji Rawat, Through Her Legal Heirs -
17. Shri Lokesh Singh S/o Shri Narayan Singh Ji Rawat (Son), Resident Of Teebana (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
18. Shri Narayan Singh S/o Shri Mithu Singh Ji Rawat (Husband), Resident Of Teebana (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
19. Shri Mool Singh S/o Shri Narayan Singh Ji Rawat (Son), Resident Of Teebana (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
20. Shri Chandrapal Singh S/o Shri Narayan Singh Ji Rawat (Son), Resident Of Teebana (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
21. Smt. Mamta D/o Narayan Singh Ji Rawat (Daughter), Resident Of Teebana (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
22. Smt. Radha Devi W/o Shri Hari Singh Ji Rawat, D/o Late Shri Khet Singh Ji Rawat, Resident Of Surajpura, Tehsil And District Beawar (Raj.).
23. Late Shri Roopsingh S/o Shri Nanga Singh Ji Rawat, Through His Legal Heirs -
24. Smt. Mana Devi W/o Late Shri Roopsingh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
25. Shri Hukam Singh S/o Late Shri Roopsingh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
26. Shri Bhagwan Singh S/o Late Shri Roopsingh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).

27. Shri Devi Singh S/o Late Shri Roopsingh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
28. Late Shri Ishwar Singh S/o Shri Roopsingh Ji Rawat, Through His Legal Heirs -
29. Smt. Kanchan Devi W/o Late Shri Ishwar Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
30. Karuna D/o Late Shri Ishwar Singh Ji Rawat, Minor Through Her Natural Guardian Respondent No. 5/5/1, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
31. Harish S/o Late Shri Ishwar Singh Ji Rawat, Minor Through His Natural Guardian Respondent No. 5/5/1, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
32. Late Smt. Hanja Devi W/o Ganga Singh Ji Rawat, Through Her Legal Heirs -
33. Late Shri Bhanwar Singh S/o Late Shri Maal Singh Ji Rawat, Through His Legal Heirs -
34. Shri Devendra Singh S/o Late Shri Bhanwar Singh Ji Rawat, Resident Of Kuneja, Tehsil Raipur, District Pali (Raj.).
35. Smt. Amrita Devi D/o Late Shri Bhanwar Singh Ji Rawat, Resident Of Kuneja, Tehsil Raipur, District Pali (Raj.).
36. Smt. Gudiya Devi D/o Late Shri Bhanwar Singh Ji Rawat, Resident Of Kuneja, Tehsil Raipur, District Pali (Raj.).
37. Late Shri Keshar Singh S/o Late Shri Maal Singh Ji Rawat, Through His Legal Heirs -
38. Smt. Ganwari Devi W/o Late Shri Keshar Singh Ji Rawat, Resident Of Kuneja, Tehsil Raipur, District Pali (Raj.).
39. Shri Kushal Singh S/o Late Shri Keshar Singh Ji Rawat, Resident Of Kuneja, Tehsil Raipur, District Pali (Raj.).
40. Smt. Anita Devi D/o Late Shri Keshar Singh Ji Rawat, Resident Of Kuneja, Tehsil Raipur, District Pali (Raj.).
41. Smt. Chandra Devi D/o Late Shri Keshar Singh Ji Rawat, Resident Of Kuneja, Tehsil Raipur, District Pali (Raj.).
42. Smt. Ganga Devi W/o Shri Babu Singh Ji Rawat, D/o Late Shri Maal Singh Ji Rawat, Resident Of Hamato Ki Gunwar, Lakhaguda, Tehsil Devgarh, District Rajsamand (Raj.).
43. Smt. Tuski @ Shanta Devi W/o Shri Laxman Singh Ji Rawat, D/o Late Shri Maal Singh Ji Rawat, Resident Of Heerola Mandawar, Tehsil Devgarh, District Rajsamand (Raj.).
44. Smt. Haiji Devi W/o Hajari Singh Ji Rawat, D/o Nanga Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).

45. Smt. Paani Devi D/o Shri Nanga Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).
46. Smt. Seeta Devi D/o Shri Nanga Singh Ji Rawat, Resident Of Paatiya (Bheem), Tehsil Bheem, District Rajsamand (Raj.).

----Respondents

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For Petitioner(s) : Mr. Hemant Kumar Jain  
Ms. Kusha Sharma

For Respondent(s) :

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**HON'BLE MR. JUSTICE MUKESH RAJPUROHIT**

**Order**

**25/02/2026**

1. Learned counsel for the petitioner submits that the trial Court erred in rejecting the application dated 23.07.2024 seeking permission to lead secondary evidence, despite the respondents having failed to produce the original document after notice.
2. It is contended that document dated 15.05.1999 has been wrongly treated as an unstamped and unregistered partition deed, whereas, it merely records a prior partition/family settlement and does not require compulsory registration or stamping.
3. It is further contended that the trial Court exceeded its jurisdiction by recording findings on merits, including observations regarding daughters' inheritance rights under the Hindu Succession (Amendment) Act, 2005, which is inapplicable to the 1999 document, while deciding an application under Section 65 of the Evidence Act.
4. It is argued that impugned order is legally unsustainable as the respondents raised only technical objections, did not specifically deny execution of the document, and merely claimed

that the original was not in their possession. Having failed to produce it despite notice, they cannot oppose the petitioner's prayer to lead secondary evidence.

5. In support of his contentions, learned counsel for the petitioner has placed reliance on a judgment rendered by the Hon'ble Supreme Court in ***Padma v. Sobhana & Ors.*** reported in ***2016 Supreme (SC) 1528.***

6. The matter requires consideration.

7. Issue notice to respondent(s), returnable within six weeks.

8. In the meanwhile and till next date of hearing, further proceedings pending before learned Family Judge, Rajsamand in Civil Regular Suit No.30/2017 (*LR's of Maal Singh & Ors. vs. LR's of Smt. Ghisi Devi & Ors.*) shall remain stayed.

9. List after eight weeks.

**(MUKESH RAJPUROHIT),J**

46-mSingh/-