

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

S.B. Civil Misc. Appeal No. 422/2024

Naresh S/o Shri Valam Ji Patidar, Aged About 46 Years, R/o
Bhemai Tehsil Galiyakot Dist Dungarpur (Raj)

----Appellant

Versus

1. Smt. Munira W/o Lt Shri Fakhruddin Fauja, R/o Mohammadiya Colony Gadajasrajpur Tehsil Galyakot Dist Dugarpur (Raj)
2. Burhan S/o Lt Shri Fakruddin Fauja, R/o Mohammadiya Colony Gadajasrajpur Tehsil Galyakot Dist Dugarpur (Raj)
3. Raman Lal S/o Shri Uddhav Ji Kalal, R/o Surajgauv Tehsil Sagwada Dist Dungarpur (Raj)
4. Smt Aashadevi W/o Shri Raman Lal, R/o Surajgauv Tehsil Sagwada Dist Dungarpur (Raj)
5. Aashis S/o Shri Kesari Mal Jain, R/o Punarwas Colony Tehsil Sagwada Dist Dungarpur (Raj)
6. Devilal S/o Shri Uddhav Kalal, R/o Surajgauv Tehsil Sagwada Dist Dungarpur (Raj)
7. Abdul Husain Badari S/o Shri Mulla Shabbir Husain Badari, R/o Ijji Coloy Mohammadiya Colony Gadajasrapur Tehsil Galiyakot Dist Dungarpur (Raj)
8. Khojema S/o Shri Mulla Shabbir Husain Badari, R/o Ijji Coloy Mohammadiya Colony Gadajasrapur Tehsil Galiyakot Dist Dungarpur (Raj)
9. Tehsiladar, Tehsil Office Galiyakot Dist Dungarpur (Raj)

----Respondents

For Appellant(s) : Mr. Prashant Tatia

HON'BLE MS. JUSTICE REKHA BORANA
Order

07/02/2024

1. Learned counsel for the appellant submits that joint connivance/conspiracy of defendant Nos.1, 2, 7 & 8 is clear on record as in the earlier suit filed by the plaintiff for possession, it was nowhere the case of defendant Nos.1 & 2 that the property is rented and they are tenants of the same. Just to annul the effect of the sale deed dated 18.12.2015 executed by their father in

favour of the plaintiff, a new case of the defendants being the tenants of defendant Nos.3 to 6 has been framed.

2. In view of the submissions made, Admit. Issue notice.

Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the appellant for service through registered post acknowledgment due. Notices be made returnable on 04.03.2024.

Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

3. Call for the record of Civil Misc. Case No.01/2023 from the Court of Additional District Judge, Sangwada, District Dungarpur (Raj.).

4. Meanwhile, status quo regarding the property in question shall be maintained.

(REKHA BORANA),J