

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

S.B. Civil First Appeal No. 1175/2025

Smt. Ratani Devi W/o Indrachand, Aged About 60 Years, R/o Nai
Line, Gangashahar, Bikaner (Rajasthan)

----Appellant

Versus

1. Jethmal S/o Amolakhchand, R/o Chacha Nehru School Ke
Pass, Ward No. 2, Nokha Tehsil And District Bikaner
(Rajasthan)
2. Motilal S/o Amolakhchand, R/o Nokha Tehsil And District
Bikaner (Rajasthan)
3. Sitaram S/o Amolakhchand, R/o Nokha Tehsil And District
Bikaner (Rajasthan)
4. Babulal S/o Amolakhchand, R/o Nokha Tehsil And District
Bikaner (Rajasthan)
5. Mahendra Kumar S/o Balchand, R/o Purani Line,
Gangasahar, Bikaner (Rajasthan)
6. Sub Registrar Officer, Sub Registrar Office, Bikaner
(Rajasthan)
7. Anjna Devi W/o Shivratan, R/o Daga House Ke Piche,
Ganga Shahr, Bikaner (Rajasthan)
8. Jeethi Devi W/o Indrachand, R/o Bheensar, Tehsil And
District Bikaner(Rajasthan)
9. Madhu Devi W/o Mohanlal, R/o Indra Chowk, Nai Line,
Gangasahar, Bikaner (Rajasthan)

----Respondents

For Appellant(s) : Mr. J.K. Bhaiya

HON'BLE MS. JUSTICE REKHA BORANA

Order

23/02/2026

1. Counsel for the appellant submits that the Trial Court
erroneously observed that the suit in question for cancellation of
sale-deed would not be maintainable until the plaintiffs get a

declaration in their favour by a Revenue Court. Counsel submits that herein, the complete property in question had been sold out to the plaintiffs by defendant Nos. 1 to 4 and hence, no issue regarding their share was even in question. Counsel submits that the plaintiffs, who had purchased the property in question were not required to get their rights declared, as they were not claiming as coparceners but were claiming by virtue of the sale-deeds executed in their favour.

2. In view of the submissions made, Admit. Issue notice.
3. 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.
4. Notices be made returnable on 23.03.2026.
5. Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.
6. Meanwhile, status quo regarding the property in question shall be maintained and the respondents shall be restrained from alienating, transferring or creating any third party rights on the property in question.

(REKHA BORANA),J