

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

S.B. Civil Second Appeal No. 11/2025

Harsukh Ram S/o Shri Mularam, Aged About 57 Years, Village Janana, Tehsil And District Nagaur Raj.

----Appellant

Versus

1. Fefudi W/o Late Shri Baluram, Village Janana, Tehsil And District Nagaur Raj.
2. Shivari D/o Late Shri Baluram, Village Janana, Tehsil And District Nagaur Raj.

----Respondents

For Appellant(s)	:	Mr. Suresh Khadav
For Respondent(s)	:	-

HON'BLE MR. JUSTICE FARJAND ALI

Order

08/05/2026

1. For the reasons indicated in the application (IA No. 1/26) seeking early hearing of the matter, the same is allowed.
2. Heard learned counsel and perused the judgment and decree passed by the learned trial Court as well as the Court of Appeal. The following substantial questions of law arise for consideration in the present matter:-
 - (i) Whether the impugned judgment and decree are the result of total non-consideration of the material available on record and have been passed after misappreciation of the evidence.
 - (ii) Whether both the judgments and decrees are unsustainable in the eyes of law on account of non-consideration and failure to appreciate the fact that the plaintiffs failed to disclose the exact

point of time when the right to sue first accrued in their favour, and whether, in absence of such determination, the suit filed on 08.07.1998 in relation to the sale deed executed on 02.09.1993 was barred by limitation.

(iii) Whether both the Courts below erred in placing reliance solely upon the oral evidence of the plaintiff on the question of issuance of patta without considering the genuineness of it and without properly examining the same, particularly when its genuineness was not verified through any official report.

3. Admit.
4. Issue notice, returnable on 13.07.2026.
5. Record has already been received.
6. In the meanwhile, all further proceedings pursuant to the impugned judgment and decree shall remain stayed.

(FARJAND ALI),J