

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

S.B. Civil Second Appeal No. 52/2026

Farzana W/o Sh Sikandar Khan, Aged About 53 Years, Resident
Of Dukoshi, Tehsil And District Nagaur, Rajasthan.

----Appellant

Versus

1. Lrs Of Nasir Khan, S/o Sh. Asraf Khan,
- 1/1. Habiban W/o Sh. Nasir Khan, R/o Inside Kumhari Darwaja, Nagaur (Rajasthan)
- 1/2. Sher Mohammad @bundu S/o Sh. Nasir Khan, R/o At Present Akaliya Circle, Near Pakiza Chakki, Jodhpur, Tehsil And District Jodhpur, Rajasthan.
- 1/3. Legal Representatives Of Salim @ Nathu S/o Sh. Nasir Khan, R/o At Present Krishi Mandi, Jodhpur, Tehsil And District Jodhpur, Rajasthan.
- 1/3/1. Tazbano W/o Sh. Late Salim @ Nathu, R/o At Present Krishi Mandi, Jodhpur, Tehsil And District Jodhpur, Rajasthan.
- 1/3/2 Muskan D/o Late Salim @ Nathu, R/o At Present Krishi Mandi, Jodhpur, Tehsil And District Jodhpur, Rajasthan.
- 1/3/3 Shehzad S/o Sh. Late Salim @ Nathu, R/o At Present Krishi Mandi, Jodhpur, Tehsil And District Jodhpur, Rajasthan.
- 1/3/4 Nishad D/o Sh. Late Salim @ Nathu, R/o At Present Krishi Mandi, Jodhpur, Tehsil And District Jodhpur, Rajasthan.
- 1/3/5. Sahiba D/o Sh. Late Salim @ Nathu, R/o At Present Krishi Mandi, Jodhpur, Tehsil And District Jodhpur, Rajasthan.
- 1/4 Iqbal S/o Sh. Nasir Khan, R/o At Present Nagori Gate Near Sindhiyon Ki Masjid, Jodhpur, Tehsil And District Jodhpur (Rajasthan)
- 1/5 Niyaz Mohammad @ Raju S/o Sh. Nasir Khan, R/o At Present Nagori Gate Near Sindhiyon Ki Masjid, Jodhpur, Tehsil And District Jodhpur (Rajasthan)
- 1/6 Julfikar S/o Sh. Nasir Khan, R/o Inside Kumhari Darwaja, Nagaur Tehsil And District Nagaur (Rajasthan)
- 1/7 Mumtaz Bano @ Mangtu D/o Sh. Nasir Khan, W/o Sh. Sikandar, R/o Behind Post Office, Near Pani Ki Tanki, Gandhi Chowk, Nagaur, Tehsil And District Nagaur

(Rajasthan)

- 1/8 Guddi D/o Sh. Nasir Khan, W/o Sh. Jamil @ Kalu, R/o Madina Colony, Near Beej Godown, Nagaur, Tehsil And District Nagaur (Raj)
- 1/9 Daulat D/o Sh. Nasir Khan, R/o Inside Kumhari Darwaja, Nagaur, Tehsil And District Nagaur,(Rajasthan)
2. Sher Mohammad S/o Sh Nasir Khan, Resident Of Inside Kumhari Darwaja, Nagaur, Tehsil And District Nagaur, (Rajasthan)

-----Respondents

For Appellant(s) : Dr. Harish Purohit

HON'BLE MS. JUSTICE REKHA BORANA

Order

23/04/2026

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

- (i) Whether the Will executed by a Muslim person could have been cancelled as a whole only on the premise that the person executing the Will could have bequeathed the property only to the extent of 1/3rd of his assets? That is to say, Whether the Will in question could have been affirmed/held valid qua 1/3rd of the assets?
- (ii) Whether the first Appellate Court erred in holding that Jafran was not entitled to execute the Will in question, which was not even the case of the defendants?
- (iii) Whether the first Appellate Court erred in deciding issue No.1 against the plaintiff ignoring the fact that the defendants had raised their claim in their individual capacity and not on the strength of any Will?

2. Admit. Issue notice.
3. Notices be filed within a period of one week.
4. Call for the original record of both the Courts.
- 5.. Meanwhile, status quo regarding the ownership and possession of the property in question shall be maintained by all the parties.

(REKHA BORANA),J

18-rahul/-