

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

S.B. Civil Second Appeal No. 31/2026

Farzana W/o Sh Sikandar Khan, Aged About 58 Years, Resident
Of Dukosi, Tehsil Districtnagaur.

----Appellant

Versus

1. Bundu Khan S/o Sh. Nasir Khan, Aged About 70 Years,
Residents Of Nagaur Inside Mohalla Kumhari Darwaja,
Districtnagaur.
2. Mohammed Iqbal S/o Sh Nasir Khan, Aged About 45
Years, Residents Of Nagaur Inside Mohalla Kumhari
Darwaja, Districtnagaur.
3. Niyaju Khan Alias Raju S/o Sh Nasir Khan, Aged About 40
Years, Residents Of Nagaur Inside Mohalla Kumhari
Darwaja, Districtnagaur.
4. Julfikar Khan S/o Sh Nasir Khan, Aged About 35 Years,
Residents Of Nagaur Inside Mohalla Kumhari Darwaja,
Districtnagaur.
5. Habiban W/o Sh Nasir Khan, Residents Of Nagaur Inside
Mohalla Kumhari Darwaja, Districtnagaur.
6. Mumtaz D/o Sh Nasir Khan, Aged About 60 Years,
Sikandar Khan, Resident Ofnagaur Khichiyon Ki Pole B
Road.
7. Daulat D/o Sh Nasir Khan, Aged About 38 Years, Resident
Of Inside Mohalla Mahi Darwaja, Nagaur.
8. Legal Representatives Of Salim Khan, Resident Of Nagaur,
Maderna Colony, Jodhpur
- 8/1. Shahzad S/o Salim Khan, Resident Of Mandore Road,
Maderna Colony, Nadi Chowk, Near Old Soniya School,
Dist. Jodhpur
- 8/2. Nisha D/o Salim Khan, Resident Of Mandore Road,
Maderna Colony, Nadi Chowk, Near Old Soniya School,
Dist. Jodhpur
- 8/3. Muskan D/o Salim Khan, Resident Of Mandore Road,
Maderna Colony, Nadi Chowk, Near Old Soniya School,
Dist. Jodhpur
- 8/4. Sayaba D/o Salim Khan, Resident Of Mandore Road,
Maderna Colony, Nadi Chowk, Near Old Soniya School,

Dist. Jodhpur

- 8/5 Tazbano W/o Salim Khan, Resident Of Mandore Road,
Maderna Colony, Nadi Chowk, Near Old Soniya School,
Dist. Jodhpur
9. Firoz Alias Guddi D/o Sh Nasir Khan, Aged About 42
Years, Resident Of Nagaur Inside Sarfiya Darwja, Nagaur.

-----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

19-rahul/-