

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

S.B. Civil Misc. Appeal No. 723/2026

Nakshatra Singh S/o Santa Singh, Aged About 70 Years,
Resident Of Chak 16 H, Tehsil Anupgarh, District, Sri
Ganganagar

----Appellant

Versus

1. Tarun Kumar Sabarwal S/o Gulshan Kumar Sabarwal,
Resident Of Satipura, Tehsil And District Hanumangarh.
2. Prithviraj S/o Late Shri Bagdawat Ram, R/o Chak 7 Bgd,
Tehsil Vijaynagar, District Anupgarh, Raj.
3. Bhupram S/o Late Shri Bagdawat Ram, R/o Chak 7 Bgd,
Tehsil Vijaynagar, District Anupgarh,
4. Krishna Lal S/o Late Shri Bagdawat Ram, R/o Chak 7 Bgd,
Tehsil Vijaynagar, District Anupgarh,
5. Palaram S/o Late Shri Bagdawat Ram, R/o Chak 7 Bgd,
Tehsil Vijaynagar, District Anupgarh,
6. Smt Murti Devi W/o Late Shri Atamaram, D/o Late Shri
Bagdawat Ram, R/o Chak 7 Bgd, Tehsil Vijaynagar,
District Anupgarh,
7. Sandeep S/o Late Shri Atamaram, S/o Late Shri
Bagdawat Ram, R/o Chak 7 Bgd, Tehsil Vijaynagar,
District Anupgarh
8. Vishnu S/o Late Shri Atamaram, S/o Late Shri Bagdawat
Ram, Minor Through His Natural Guardian Smt. Murti Devi
W/o Late Shri Atamaram, D/o Late Shri Bagdawat Ram,
R/o Chak 7 Bgd, Tehsil Vijaynagar, District Anupgarh,
9. Santhosh D/o Late Shri Atamaram, D/o Late Shri
Bagdawat Ram, R/o Chak 7 Bgd, Tehsil Vijaynagar,
District Anupgarh,
10. Sakila D/o Late Shri Atamaram, D/o Late Shri Bagdawat
Ram, R/o Chak 7 Bgd, Tehsil Vijaynagar, District Anupgarh

----Respondents

For Appellant(s) : Mr. Monal Chugh.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/03/2026

1. Learned counsel for the appellant submits that a probate
petition was allowed and probate was issued in favour of the
appellant on 18.05.2023. Against the same, the respondents
(Prithvi Raj and Others), through their power of attorney holder

(Tarun Kumar Sabarwal), preferred an appeal, which came to be dismissed vide order dated 07.11.2024 with liberty to raise all objections before the Probate Court, however, no such objections have been filed till date.

2. It is contended that thereafter, respondent No. 1/plaintiff filed a collusive suit against respondents No. 2 to 10 without disclosing the aforesaid facts and obtained an ad interim order from the learned trial Court. It is further submitted that the said suit was filed on 28.08.2024 without disclosure of the material facts. Subsequently, an application under Order I Rule 10 CPC was filed for impleadment and after being impleaded as a party, the respondent pursued an application under Order 39 Rule 1 and 2 CPC. The learned trial Court, without considering the aforesaid aspects and the alleged collusive nature of the proceedings, allowed the application.

3. The matter requires consideration.

4. Issue notice, returnable within six weeks.

5. Call for the record pertaining to the temporary injunction application.

6. In the meanwhile, the effect and operation of the order dated 10.10.2025 (Annex.10), passed by the learned Additional District Judge, Suratgarh, District Sri Ganganagar, in Civil Misc. Application No. 29/2024 (CIS No. 29/2024), titled as "Tarun Kumar Sabarwal Vs. Prithviraj & Ors.", shall remain stayed.

(MUKESH RAJPUROHIT),J