

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 198/2026

Phoolya S/o Late Shri Kalyan @ Kalya,

----Appellant

Versus

Badri S/o Shri Gordhan, & Ors.

----Respondents

For Appellant(s)	:	Mr. Kapil Bardhar
For Respondent(s)	:	Mr. Manish K. Saini

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

27/02/2026

1. While impugning the judgment and decree dated 08.10.2025 passed by the learned Additional District Judge, Lalsot, District Dausa in Civil Suit No.13/2016 (42/2020), whereby the suit for specific performance was dismissed; learned counsel for the appellant submits that, despite proving the execution of the agreement to sell dated 05.04.2016, the suit for specific performance was rejected on the ground that the appellant has failed to prove the issue pertaining to readiness and willingness. He further submits that the learned Court below seriously erred in not properly appreciating the evidence led by the appellant in this behalf and submits that the impugned judgment and decree is unsustainable in the eye of law.

2. *Per contra*, learned counsel appears as a Caveator for respondent No.2 opposes the said submissions and submits that the learned Court below has taken into consideration the entire facts, pleadings and evidence, thereafter, has rightly dismissed the

suit and there is no illegality in the impugned judgment and decree dated 08.10.2025.

3. Heard. Since factual and legal issues are involved in the present matter, the same requires consideration.

4. Admit.

5. Issue notice to the respondent Nos.1 & 3, returnable within four weeks.

6. List this matter after four weeks.

7. In the meanwhile, the respondents are restrained not to sell, alienate or create third party interest with respect to the suit property.

(MANEESH SHARMA),J