

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 94/2026

Kailash Chand S/o Late Heera Lal Mother Smt. Mishri Devi and
ors.

-----Appellants

Versus

Smt. Krishna Devi and ors.

-----Respondents

For Appellant(s) : Mr. Sunil Kumar Singodiya with
Ms. Vinita Saini

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

24/02/2026

1. The present first appeal has been filed by the appellants, assailing the judgment and decree dated 18.12.2025 in Civil Suit No.26/2021 titled '*Kailash Chand & Ors. Vs. Smt. Krishna Devi & Ors.*', passed by the learned Additional District Judge No.3, Kotputli, District Kotputli-Behror, whereby the suit for declaration and permanent injunction filed by the plaintiff-appellant has been dismissed under the provisions of Order 7 Rule 11 of CPC.

2. Learned counsel for the appellants submits that the learned Court below has erred in dismissing the suit without properly appreciating the averments of the plaint. He further submits that the learned court below seriously erred in rejecting the plaint, while relying upon the judgment passed by the Hon'ble Supreme Court in the matter of ***Pyarelal Vs. Shubendra Pilonia (Minor) through Natural Guardian***¹. The facts of the case are quite distinguishable.

3. Heard.
4. In view of the above, issue notice to the respondents.
5. Notices be filed in two sets and upon filing the same, one set be sent by ordinary post and another by registered post, returnable within eight weeks.
- 6 List this matter after eight weeks.
7. Let the record of the learned court below be summoned.
8. In the meanwhile, the respondents are restrained from selling, alienating or creating third party rights over the suit property, if not made so far.

(MANEESH SHARMA),J