

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 320/2005

Balwant Singh

----Appellant

Versus

Harbans Singh

----Respondent

For Appellant(s) : Mr. S.L. Sharma

For Respondent(s) : Mr. B K Sharma
Mr. Tarun Jain
Mr. R P Garg

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA
Order

08/05/2025

Heard learned counsel for the parties.

Having regard to the submissions made by learned counsel for the parties, the appeal is admitted on the following substantial questions of law:-

- (1) Whether the perverse findings of the learned courts below arrived at on total misreading and non-reading of the oral evidence as well as documentary evidence can be maintained?
- (2) Whether the judgment and decree can be passed without deciding the applications under Order 41 Rule 27 and the application under Order 26 Rule 9 read with Section 151 of CPC?
- (3) Whether the suit for permanent injunction can be dismissed even after the admission by the respondents and Municipal Board?

Since, all the respondents have been duly served, hence, fresh notice need not be issued to them.

List for hearing in the month of January, 2026.

(NARENDRA SINGH DHADDHA),J