

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 328/2025

Ramji Lal S/o Shri Bhorya,

----Appellant

Versus

Shrimati Jyana Devi W/o Late Shri Narayan,

----Respondent

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For Appellant(s) : Mr. Giriraj Bardhar with Mr. Suresh  
Bairwa

For Respondent(s) :

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**04/02/2025**

1. Aggrieved from dismissal of civil misc. case no. 281/2017 (5816/2016) filed under Section 276/295 of Indian Succession Act by learned District Judge, Jaipur Metropolitan-I on 30.11.2024, instant civil misc. appeal is preferred by appellant applicant (plaintiff).

2. Considered submissions of learned counsel for appellant wherein he raised the grounds as mentioned in memo of appeal and also submitted that on the basis of will dated 28.02.1989 a mutation entry was already opened in the name of appellant plaintiff after death of Bhoriya and this will was admitted by respondent no.2 Jagdish in his reply before the trial court. He also referred the findings of learned trial court and submitted that respondent no.2 Jagdish has expired on 15.11.2023 but same was erroneously mentioned by learned trial court. He further submits that after several years of mutation the respondent no.1 has challenged the mutation entry before the revenue courts and only

her challenge has prompted appellant to file a petition under Section 276/295 of Indian Succession Act.

3. Having considered aforesaid, issue notice to respondent no.1. Additional set be issued through registered speed post.
4. Call for record.
5. Considered stay application.
6. The respondent no. 1 is restrained from alienation/transfer of the property as mentioned in the questioned will.
7. List on 24.03.2025

(ASHOK KUMAR JAIN),J