

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 98/2025

1. Sankat Mochan Hanuman Mandir Samiti, Mahaveer Nagar First Kota through President K.C. Puri, Aged 85 Years,
2. Shri K.C. Puri, Aged 85 Years, President Sankat Mochan Hanuman Mandir Samiti, R/o House No.1170, Mahavir Nagar First Kota.
3. Satyanarayan (Ex. Pujari) Sankat Mochan Hanuman Mandir Samiti, At Present R/o Rangbadi Scheme Kota.

----Appellants/Defendants No.1 to 3

Versus

1. Narendra Kumar Sharma S/o Hemraj Sharma, R/o 1019, Mahavir Nagar First Kota.
2. Bhanwar Singh Choudhary S/o Prabhulal, R/o 1021, Mahavir Nagar First, Kota.
3. Ashok Gupta S/o Bajranglal, R/o 847, Mahavir Nagar First, Kota.

----Respondents/Plaintiffs

4. Urban Improvement Trust, Kota Through Secretary, CAD Crossing Kota.
5. Nagar Nigam Kota, Through Chief Executive Officer, Dusshera Maidan, Kota.
6. State of Rajasthan, Through District Collector Kota.

----Respondents/Defendant No.4 to 6

For Appellant(s)	:	Mr. Akshay Sharma, Adv. with Mr. Nitin Jain, Adv.
For Respondent(s)	:	Mr. Rahul Sharma, Adv. for Mr. Rajneesh Gupta, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

30/04/2026

Mr. Rahul Sharma, Adv. on behalf of Mr. Rajneesh Gupta, Adv. appears as caveator on behalf of the respondent Nos. 1 to 3.

This is civil second appeal filed by the appellants against the judgment and decree dated 15.10.2024 passed by learned Additional District Judge No. 4, Kota (Rajasthan) in Civil Regular

Appeal No. 22/2015, whereby, the learned Appellate Court dismissed the appeal filed by the appellants/defendants and upheld the judgment and decree dated 02.03.2015 passed by learned Senior Civil Judge No. 05, Kota in Civil Suit No. 34/2010 titled as Narendra Kumar Sharma & Ors. Vs. Sankat Mochan Hanuman Mandir Samiti & Ors., whereby, the suit filed on behalf of the respondents-plaintiffs for declaration and permanent injunction as well as to remove the construction raised by the appellant-defendant Nos. 1 to 3 was upheld and decreed in favour of plaintiffs-respondents.

The matter requires consideration.

Issue notice to the respondent Nos. 4 to 6 by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks. 'Dasti' is also permissible.

Requisites be filed within one week.

Heard on stay application.

Learned counsel for the appellants submits that in execution of the impugned judgment, the respondents bent upon to demolish the construction raised by Sankat Mochan Hanuman Mandir Samiti.

List the matter after six weeks.

Till the next date of hearing, both the parties are directed to maintain the status quo and also not to demolish the construction-in-question, however, this stay will operate only after service of notice upon respondents.

In the meanwhile, record of the Court below be summoned.

(ASHUTOSH KUMAR),J