

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 277/2026

Smt. Beena Bhargav W/o Shri Anil Kumar Bhargav

----Appellant

Versus

Smt. Saroj Bhargav W/o Late Sh. Sudhir Kumar Bhargav & Ors.

----Respondent

For Appellant(s)	:	Mr. Vinod Kumar Tamoliya, Mr. Nitesh Panchauli
For Respondent(s)	:	Mr. Alok Sogani

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

24/02/2026

1. While impugning the judgment and decree dated 13.11.2025 passed by the learned Additional District & Sessions Judge No.6, Jaipur Metropolitan - I, Jaipur, in Civil Suit No. 12/2013, (CIS No.231/2022), titled as '*Smt. Beena Bhargav Vs. Smt. Saroj Bhargav & Ors.*', whereby the suit for partition, declaration, and permanent injunction filed by the appellant was dismissed; learned counsel for the appellant submits that the learned court below seriously erred in rejecting the suit while overlooking the fact that the appellant's father Shri P. N. Bhargav, has no right to execute the family settlement dated 20.11.1984 in respect of the suit property during his lifetime, as he could give the suit property to his successor only by way of gift or sale or Will. He further submits that since Shri P. N. Bhargav expired on 07.08.1988 intestate, the appellant is entitled to 1/5th share in the disputed property under Section 8 of the Hindu Succession Act, 1956. He

therefore prays that judgment and decree dated 13.11.2025, may kindly be quashed and set aside.

2. *Per contra*, learned counsel for the respondents submits that the learned court below, after considering the facts in detail, has passed a well-reasoned order that does not call for any interference.

3. Heard. The matter requires consideration.

4. Admit.

5. Mr. Alok Sogani, learned counsel, appears for respondents No.2 to 4. No further notices shall be issued to the respondents No.2 to 4.

6. In view of the submissions made hereinabove, issue notice to the respondents No.1 and 5, returnable within four weeks.

7. Notices be filed in two sets. Upon filing the same, one set be sent by ordinary post and another by registered post.

8. Let the record of the learned Court below be summoned.

9. List the matter after four weeks.

10. In the meantime, and until further orders, to protect the rights of the appellant herein, who is claiming a 1/5th share in the disputed property, the respondents are restrained not to sell, alienate, or transfer *Flat Nos. 501 and 601*, situated at *SB-16, Bhawani Singh Lane, Bapu Nagar, Jaipur* (suit property).

(MANEESH SHARMA),J