

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 266/2008

Thakur Ji Shri Hanuman Ji

----Appellant

Versus

Prabandh Samiti Bagichi Mangle

----Respondent

Connected With

S.B. Civil Contempt Petition No. 1245/2025

Mahant Shreenarayan Sharma

----Appellant

Versus

Shri Om Prakash Sharma S/o Late Shri Prahlad Kumar Sharma

----Respondent

For Appellant(s)	:	Mr. N.K. Singhal, Adv. with Mr. Ajay Singh Rajawat, Adv.
For Respondent(s)	:	Mr. R.M. Jain, Adv. Mr. Raghu Nandan Sharma, Adv. with Mr. Abhinav Srivastav, Adv. Ms. Kritika Rajawat, Adv. Mr. Ayush Bishnoi, Adv. & Ms. Manasvita Sharma Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

23/04/2026

In Application No. 5022/2018-

1. Matter comes up on Application No. 5022/2018 filed by the appellant under Order XXII Rule 4 of CPC for taking on record legal representatives of deceased-respondent No.2.
2. Vide order dated 21.02.2018 passed by the Coordinate Bench of this Court, notices with regard to the aforesaid application, were issued and the appellant was directed to file amended cause-title after effecting service upon legal representatives of deceased-respondent No.2. The amended

cause-title has been filed by the appellant and the same has already been placed on record.

3. From perusal of the record, it is evident no order was passed by the Court, allowing this application under Order XXII Rule 4 CPC.

4. Therefore, the application No. 5022/2018 is still reflected in the cause list.

5. For clarification of all doubts, the application No. 5022/2018 is hereby allowed and legal representatives of respondent No.2, which have already been impleaded as a party in this matter, are allowed to be brought on record.

6. Office is directed to place amended cause-title at the appropriate place in the file.

In Application No.1/2025-

1. Matter comes up on another application (I.A. No.1/2025) filed by the applicant-defendant No.2/2 under Section 151 of CPC seeking permission to carry out limited repair and renovation work in the shop during operation of status quo order dated 29.05.2008 passed by the Coordinate Bench of this Court.

2. Vide order dated 29.05.2008 passed by the Coordinate Bench of this Court, the following order was passed in Misc. Civil Stay Application No.1366/2008:-

“Heard learned counsel for the appellants on stay application. Issue notice of the stay application. Meanwhile both the parties would maintain status-quo in regard to the disputed property.”

3. Learned counsel for the applicant-defendant No.2/2 submits that to run the business, it is necessary for the applicant-defendant No.2/2 to undertake following minor maintenance work to preserve the shop in question as mentioned in para 9 of the application:-

- "1. Scraping of old paint and applying new paint on interior walls;
2. Resettle the racks and polishing and apply polish on above racks;
3. Repairing of fall ceilings and electricity connection in it;
4. Minor repair of wall plaster where damage due to seepage."

4. Learned counsel for the respondents submits that reply has been filed on behalf of respondent No.3/3 wherein it has been mentioned that in the garb of the maintenance work, the applicant-defendant No.2/2 has materially and structurally changed the shop in question for which Contempt Petition No.1245/2025 has been filed before the Court.

5. Learned counsel for the applicant-defendant No.2/2 submits that the Coordinate Bench of this Court appointed a Site Commissioner for submission of report regarding the current status of the shop in question.

6. Report of the Site Commissioner dated 09.02.2026 is placed on record wherein it has been mentioned that during inspection the condition of the shop was as follows:-

- "1. the bedsheets/curtains were hanging on the walls and electrical wires were hanging from the wall in a torn manner;
2. The false ceiling was also there in the shop/property and it is clearly visible that it has been installed recently;

3. it has been observed that a door was installed behind the said bedsheets/curtains and it appeared to be as recent construction.

4. The said door was installed by the Prabandh Samiti and was locked from inside and the keys of the said door lies with the Prabandh Samiti.

5. AC wires are also being installed and they were hanging out.

6. The false ceiling is fitted with LED bulb/lights and no fresh paint was observed on the walls. POP was found coming off the walls and electrical wires were found hanging from the false ceiling.

7. Certain portions of the walls appeared to be cemented and POP was absent on those portions."

7. Be that as it may, this Court deems it appropriate to partly allow the application and allow the following maintenance work in the shop in question:-

- "1. Scraping of old paint and applying new paint on interior walls.
2. Resettle the racks and polishing and apply polish on above racks.
3. Repairing of fall ceilings and electricity connection in it.
4. Minor repair of wall plaster where damage due to seepage."

8. In view of the above, application (I.A. No.1/2025) is partly allowed.

9. List the matter on 11.07.2026.

(ASHUTOSH KUMAR),J