

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1437/2026

Smt. Malti Devi Wife Of Shri Nandlal Choursiya

-----Petitioner

Versus

Shri Ashok Kumar Son Of Ranveer Singh

-----Respondent

For Petitioner(s) : Mr. Harshit Mittal

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

02/02/2026

1. Learned counsel for the petitioner submits that the decree dated 21.08.2019, was pertaining to the fact that only after consideration of the documents of the parties and measurement of the property, if the defendant is found in any illegal possession, he would be dispossessed.
2. He submits that the said decree was passed *ex-parte* and thus, he had filed an application under Order 9 Rule 13 CPC which has been rejected by the learned trial Court as well as the learned Appellate Court.
3. It is contended by learned counsel for the petitioner, that the trial Court without complying as per the decree dated 21.08.2019, and without consideration of his objections has passed the warrant for possession. He, therefore, prays that the operation of the decree dated 21.08.2019 shall be stayed.
4. Heard.
5. Let notices be issued to the plaintiff-respondent. Rule is made returnable within four weeks.

5. In the meanwhile, execution of the decree dated 21.08.2019 shall remain stayed.
6. It is made clear that the order will come into operation only after service of the respondent is complete.
7. List this matter after four weeks.

(BIPIN GUPTA),J

KRATIKA/19