

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 2503/2026

Hasan Mohammad Khan S/o Ghasi Khan

-----Petitioner

Versus

Ashraf Ali S/o Alam Ali Khan

-----Respondent

For Petitioner(s) : Mr. Krishan Chander Sharma
Mr. Vaibhav Pancholi

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

18/02/2026

1. The present writ petition has been filed assailing order dated 12.11.2025, passed by learned Additional Civil Judge cum Judicial Magistrate No. 4, Ajmer, whereby, the application submitted by the petitioners-judgment debtors, contending that a decree for mandatory injunction is executable only within a period of three years and that execution thereafter would be barred by limitation, has been rejected.
2. The said objections were dismissed by the learned Trial Court vide the impugned order.
3. Learned counsel for the petitioners contends that the decree in question comprises two parts, namely, a decree for mandatory injunction and a decree for permanent injunction.
4. Learned counsel for the petitioner further submits that, in the execution application, the reliefs sought to be executed in Column No. 10, paragraphs A and B, pertain to the mandatory injunction, whereas the reliefs mentioned in Column No. 10,

paragraphs 2, 3 and 4, relate to the permanent injunction. It is thus submitted that the prayers contained in Column No. 10, paragraphs A and B, form part of the decree for mandatory injunction dated 07.05.2003.

5. He further submits that the execution application in respect of both the mandatory injunction and the permanent injunction was filed on 11.09.2012.

6. Learned counsel, therefore, contends that, to the extent the execution is sought in respect of the reliefs contained in Column No. 10, paragraphs A and B, the same is beyond the prescribed period of limitation. It is also submitted that, at an earlier stage of litigation concerning execution proceedings, a Coordinate Bench in S.B. Civil Writ Petition No. 48/2020 categorically held that a decree for mandatory injunction is executable only within a period of three years, whereas other decrees may be executed within the applicable period of limitation.

7. In view of the above, learned counsel for the petitioner submits that the execution of the decree for mandatory injunction, as claimed in Column No. 10, paragraphs A and B, is barred by limitation.

7. Heard.

8. Let notices be issued to the respondent. Rule is made returnable within four weeks.

9. In the meanwhile, the Executing Court is directed not to execute the decree for mandatory injunction as prayed for in Column No. 10, paragraphs A and B. However, the Executing Court shall be at liberty to proceed with the execution of the decree for



permanent injunction as prayed for in Column No. 10, paragraphs 2, 3 and 4.

10. List this matter after four weeks.

(BIPIN GUPTA),J

KRATIKA /7