

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 326/2026

Shreenath Das S/o Lalchand,

----Appellant

Versus

Bitthal Das S/o Lal Chand, & Ors.

----Respondents

For Appellant(s) : Mr. Raj Kamal Gaur

For Respondent(s) : Mr. Rajesh Mootha

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

26/02/2026

1. While impugning the judgment and decree dated 03.12.2025 passed by the learned Additional District Judge, Bhawanimandi, District Jhalawar, in Civil Suit No.01/2018 (CIS No.01/2018), whereby the suit filed by the appellant for partition and declaration, was dismissed; learned counsel for the appellant submits that the learned Court below erred in dismissing the suit by overlooking the fact that during pendency of the suit, both the parties have signed a written compromise, and even though the compromise was not attested, the same ought to have been considered by the learned Court below. He further submits that the learned Court below erred in misinterpreting the evidence led by the appellant while dismissing the suit, therefore, the impugned judgment and decree is unsustainable in the eyes of law.

2. *Per contra*, learned counsel for the respondents vehemently opposed the submissions and submits that the learned Court below has rightly passed the judgment and decree after

considering the entire facts and circumstances of the case in detail and there is no arbitrariness or perversity in the impugned judgment and decree.

3. Heard.

4. In view of the factual issues involved in the matter, the matter requires consideration.

5. Admit.

6. Mr. Rajesh Mootha, accepts notice on behalf of the respondent Nos.1/1 to 1/5. Accordingly, service against respondent Nos.1/1 to 1/5 is complete.

7. Let notice be issued to respondent Nos.2/1 to 2/3 only, returnable within four weeks.

8. Let record of the Court below be summoned.

9. List this matter after four weeks.

10. In the meanwhile, the respondents are restrained from selling or alienating the suit property qua Plot Nos.14 & 46 situated at Maganbhai Patel Market, Bhawani mandi, Jhalawar.

(MANEESH SHARMA),J