

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No.289/2026

Sanjay S/o Late Shri Johrilal and Anr.

----Appellants

Versus

Ramchandra S/o Late Shri Bhorilal and Ors.

----Respondents

For Appellant(s) : Mr. Rahul Agarwal

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

17/02/2026

1. The present first appeal has been filed by the appellants, assailing the judgment and decree dated 12.01.2026 in Civil Suit No.95/2019(23/2017) NCV No.Civil Suit/788/2019 titled '*Sanjay & Anr. Vs. Ramchandra (Deceased) through legal heirs & Ors.*', passed by the learned Additional District & Session Judge No.4, Jaipur, whereby the suit filed by the appellants-plaintiff for declaration, partition and permanent injunction has been dismissed.

2. Learned counsel for the appellants submits that the learned Court below has erred in dismissing the suit merely on account of execution of Will dated 09.07.1996 without taking into consideration that the Will has not been proved in terms of Section 68 of the Indian Evidence Act, 1872 which renders the Will non-est and legally unenforceable.

3. Heard.

4. Admit.

5. In view of the above, issue notice to the respondents.
6. Notices be filed in two sets and upon filing the same, one set be sent by ordinary post and another by registered post, returnable within four weeks.
7. List this matter after four weeks.
8. Let the record of the learned court below be summoned.
9. In the meanwhile, the respondents are restrained from selling, alienating or creating third party rights over the suit property during the pendency of this Civil First Appeal.

(MANEESH SHARMA),J

SOURAV /12