

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil First Appeal No. 295/2026

Daulat Singh S/o Shri Shersingh,

----Appellant

Versus

Sher Singh S/o Shri Kanhaiya Singh and Ors.

----Respondents

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|-------------------|---|-----------------------------------------------|
| For Appellant(s)  | : | Mr. R.K. Daga with<br>Mr. Rahul Singh Chauhan |
| For Respondent(s) | : |                                               |

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**HON'BLE MR. JUSTICE MANEESH SHARMA**

**Order**

**25/02/2026**

1. The present first appeal has been filed by the appellant, assailing the judgment and decree dated 22.01.2026 passed in Civil Suit No.48/2025 (CIS No.48/2025) titled '*Daulat Singh Vs. Sher Singh & Ors.*', by the learned Additional Session Judge, Nadbai, District Bharatpur, whereby the application filed under Order 7 Rule 11 of CPC by the defendant Nos.1 to 5 was allowed and suit for declaration and perpetual injunction filed by plaintiff-appellant has been rejected, being barred by law.
2. Learned counsel for the appellant submits that the learned Court below has erred in rejecting the plaint as all the questions so raised does not fall in the four corners of Order 7 Rule 11 CPC and same can be adjudicated during the course of trial.
3. In order to buttress his contention, learned counsel for the appellant relied upon the judgment passed by a Co-ordinate Bench of this Court at Principal Seat, Jodhpur, in the case of ***Smt. Aruna***

***Vs. Suraj Kumar and Ors.<sup>1</sup>*** and the judgment passed by a Co-ordinate Bench of this Court in the matter of ***Shyam Sunder Agarwal and Ors. Vs. Smt. Kushalkanwar and Ors.<sup>2</sup>***.

4. Heard.
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 six weeks.
7. List this matter after six 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.

**(MANEESH SHARMA),J**

SOURAV /11

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1 S.B. Civil Revision Petition No.93/2022

2 S.B. Civil Revision Petition No.87/2022