

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 304/2026

Premchand Gupta S/o Shri Shiv Dayal Gupta,

----Appellant

Versus

Kalu S/o Shri Kanhaiya,

----Respondent

For Appellant(s) : Mr. Manu Bhargava

For Respondent(s) :

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 18.11.2025 passed in Civil Suit No.34/150/13 (CIS No.574/2014) titled '*Premchand Gupta Vs. Kalu*', by the learned Additional District Judge No.3, Alwar, whereby the suit filed by the plaintiff-appellant for specific performance and permanent injunction has been dismissed.

2. Learned counsel for the appellant submits that the learned Court below has erred in dismissing the suit while wrongly interpreting the evidence produced by the appellant. He further submits that the learned court below failed to appreciate that there are two attesting witnesses of the agreement dated 10.06.2011, namely, PW-2 Ayub Khan and PW-3 Bashir Khan and they have supported the case of the appellant. Thus, they proved the fact that the agreement was executed. Yet, the learned court below has rejected the suit for specific performance on hyper-technical grounds.

3. Heard. Matter requires consideration.
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 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