

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 318/2026

Ganpat Son Of Bhagwan Sahay

----Appellant

Versus

Prahlad Sahay Son Of Sadhuraam & Ors.

----Respondents

For Appellant(s) : Ms. Gayatri Rathore, Sr. Adv. with
Mr. Ran Singh

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

23/02/2026

1. While impugning the judgment and decree dated 22.01.2026 passed by the learned District & Sessions Judge, Kotputli - Behror, Rajasthan, in Civil Suit No. 16/2025, CIS No.11/2016, titled as '*Ganpat Vs. Prahlad Sahay*', whereby the suit filed by the appellant for specific performance and mandatory injunction was rejected; learned Senior Advocate, Ms. Gayatri Rathore submits that the learned Court below seriously erred in rejecting the suit, while observing that the appellant admitted that a case has been filed against him for non-payment of money, whereas the defence of the respondent/defendant No. 1 was that the earnest money had been returned to the appellant and the agreement to sell dated 11.09.2015 stood cancelled. She further submits that the learned Court below has failed to appreciate the appellant's evidence in the correct perspective, while rejecting the suit. She therefore prays that the impugned judgment and decree dated 22.01.2026 be quashed and set aside.

2. Heard. The matter requires consideration.
3. Admit.
4. In view of the submissions made hereinabove, issue notice to the respondents, returnable within six weeks.
5. Notices be filed in two sets. Upon filing the same, one set be sent by ordinary post and another by registered post.
6. Let the record of the learned Court below be summoned.
7. List the matter after six weeks.
8. In the meantime, and until further orders, the respondents are restrained not to sell, alienate, transfer or create any third-party rights in respect of the suit property.

(MANEESH SHARMA),J