

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 362/2026

Omprakash

----Appellant

Versus

Radhakrishna S/o Manniram

----Respondent

For Appellant(s)	:	Mr. Abhilash Sharma
For Respondent(s)	:	Mr. Rahul Sharma for Mr. Rajneesh Gupta (for respondent No.1/3)

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

27/02/2026

1. While impugning the judgment and decree dated 02.12.2025 passed by the learned Additional District Judge No.1, Bayana, District Bharatpur, in Civil Suit No.26/2021 (CIS No.08/2016), whereby the suit filed by the appellant for declaration, partition and permanent injunction, was dismissed; learned counsel for the appellants submits that the learned Court below erred in dismissing the suit under the teeth of family settlement dated 18.10.1972, which has no legal effect and is *void ab initio*. He therefore contends that the impugned judgment and decree is unsustainable in the eye of law.

2. *Per contra*, learned counsel for the respondents opposes the said submissions advanced by the learned counsel for the appellant and submits that the family settlement dated 18.10.1972 was duly executed and acted upon by the parties. He further submits that the learned Court below has duly taken into

consideration all the facts and circumstances of the case and has rightly dismissed the suit for partition.

3. Heard. The matter requires consideration.

4. Admit.

5. Mr. Rahul Sharma, Advocate appears on behalf of Mr. Rajneesh Gupta, learned counsel for the respondent No.1/3, and accepts notice on behalf of the respondent No.1/3. Accordingly, service upon respondent No.1/3 is complete.

6. Issue notice to the remaining respondents, returnable within four weeks.

7. List this matter after six weeks.

8. Let record of the Court below be summoned.

9. In the meanwhile, the respondents are restrained not to sell, alienate, transfer or create third party interest in the suit property.

(MANEESH SHARMA),J