

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 87/2026

Smt. Foom Kanwar, Widow of Late Shri Mohabbat Singh and Ors.
-----Appellants

Versus

Shri Bhagwandas, Son of Late Shri Kanhaiya Lal and Ors.
-----Respondents

For Appellant(s)	:	Mr. Shailesh Prakash Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

27/02/2026

1. The present second appeal has been filed by the appellants, assailing the judgment and decree dated 03.12.2025 passed in Civil Appeal No.53/2016(43/2015) titled '*Smt. Foom Kanwar (deceased) and Ors. Vs. Shri Bhagwandas and Ors.*', by the learned Additional District Judge No.5, Ajmer, whereby the appeal filed by the plaintiffs-appellants has been dismissed and the judgment and decree dated 30.03.2015 passed by the learned Additional Senior Civil Judge No.2, Ajmer, has been upheld and at the same time reversed the findings of Issue No.6.

2. Learned counsel for the appellants submits that the learned Appellate Court has committed serious illegality in not deciding the applications dated 30.04.2024 and 22.04.2025 filed by the appellants under Order 41 Rule 27 of CPC, despite the fact that they were to be considered along with the appeal, and the appeal has been decided vide impugned judgment and decree dated

03.12.2025 without passing any order qua the aforesaid applications.

3. In order to buttress his contentions, he relies upon judgments passed by the Co-ordinate Benches in the cases of ***Prabhu Dayal Badaya & Ors. Vs. Nagar Nigam, Jaipur & Ors.***¹ and ***Jatanmal Fofaliya Vs. Smt. Chameli Devi @ Atto Devi***²

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 by 17.03.2026.

7. List this matter on 17.03.2026.

8. Let the record of the learned court below be summoned.

9. In the meanwhile, the respondents are restrained from selling, transferring, alienating or creating third party rights over the suit property.

(MANEESH SHARMA),J

SOURAV /25

1 S.B. Civil Second Appeal No.18 of 2012

2 S.B. Civil Second Appeal No.68 of 2010