

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 414/2026

Smt Sunita Mehra W/o Shri Pradeep Mehra,

----Appellant

Versus

Late Shivraj Lamba S/o Lt. Colonel Shri Deshraj,

----Respondent

For Appellant(s)	:	Mr. Aman Pareek
For Respondent(s)	:	Mr. Aakash Gupta for Mr. Behari Lal Agarwal

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

13/03/2026

1. The present appeal has been filed by the appellant assailing the judgment and decree dated 04.12.2025 passed by the learned Additional District Judge No.4, Jaipur Metropolitan-II in Civil Suit No.621/2012 (CIS No.1078/2014) titled as '*Smt. Sunita Mehra vs. Shivraj*', whereby the suit filed by the appellant for declaration and permanent injunction was dismissed.
2. Learned counsel for the appellant submits that the learned Court below erred in rejecting the suit while holding that the plaintiff/appellant has failed to prove the execution of Will dated 24.11.1998 whereas the execution of Will was duly proved as mandated under the provisions of Evidence Act, 1872. He further submits that PW-2 Smt. Santosh Ahlawat, real sister of the plaintiff/appellant, duly proved the execution of the said Will. He also submits that even the defendant/respondents admitted the execution of the said Will, therefore, the suit ought not to be

rejected and the impugned judgment and decree is unsustainable in the eye of law.

3. *Per contra*, learned counsel for the respondents submits that the learned Court below has rightly dismissed the suit while relying upon the evidence of DW-3 Gajendra Kumar Upadhyaya and there is no illegality in the impugned judgment and decree.

4. Heard.

5. In view of the serious dispute about the execution of the Will and interpretation of contents of the Will, more particularly when the probate proceedings relate to subsequent Will dated 18.09.2011 has already been decided against the defendant/respondents, the matter requires consideration.

6. Admit.

7. Notice need not be issued as the respondents are represented through counsel.

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

9. List this matter after four weeks.

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

(MANEESH SHARMA),J