

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 471/2026

Ashok Kumar S/o Late Sh. Kunj Bihari Sharma, Aged About 58 Years, R/o Hazari Ka Mohalla, Alwar (Raj.).

----Defendant No.1/Appellant

Versus

1. Manoj Sharma S/o Late Sh. Kunj Bihari Lal, Aged About 64 Years, R/o Hazari Ka Mohalla, At Present R/o 60 Feet Road, Deep Builders Ke Samne Wali Gali, District Alwar.

----Plaintiff/Respondent

2. Sevaram S/o Late Sh. Kunj Bihari Lal, Aged About 71 Years, R/o Mahaveer Marg, Masjid Wali Gali, Alwar.
 3. Harilal S/o Late Sh. Kunj Bihari Lal Sharma, Aged About 67 Years, R/o Gurjar Ki Thadi, Shamshan Ghat Ke Pass, Sodala, Jaipur.
 4. Tarachand S/o Late Sh. Kunj Bihari Lal Sharma, Aged About 61 Years, R/o Shimla Clinic, DCM Circle Ke Pass, Ajmer Road, Jaipur.
 5. Smt. Maya Sharma D/o Late Sh. Kunj Bihari Sharma, W/o Sh. Suresh Sharma, R/o Shashtri Nagar, Jaipur.
 6. Sarvesh Sharma,
 7. Rajesh Sharma,
 8. Brijesh Sharma,
- All are S/o Sh. Lokendra Sharma, R/o Krishnapuri, Jaipur.

----Proforma-Defendants/Respondents

For Appellant(s) : Mr. Ajay Goyal, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

24/04/2026

1. Instant appeal has been filed challenging the judgment and decree dated 29.01.2026 passed by learned Additional District Judge No.1, Alwar (hereinafter referred to as learned 'trial Court')

in Civil Suit No.56/2015, whereby learned trial Court decreed the suit filed by the plaintiff-respondent No.1, for partition of the property in his favour.

2. Learned counsel for the appellant contends that though, the property was in the name of deceased father of the parties, however, other brothers and sisters of the appellant executed a release deed in his favour, however, learned trial Court without considering the said fact, has ordered for partition of the property.

3. Learned counsel for the appellant submits that at the risk and peril of the appellant, service upon respondents No.2 to 8 may be dispensed with.

4. At the risk and peril of the appellant, service upon respondents No.2 to 8 is dispensed with.

5. Issue notice to the respondents by both modes i.e. by ordinary course as well as by registered post, returnable within six weeks. Requisites be filed within a period of one week.

6. List the matter after six weeks.

7. Record of the Court below be summoned.

8. Till the next date of hearing, it is directed that learned trial Court shall not draw any final decree of partition in the suit.

(ASHUTOSH KUMAR),J