



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 5440/2026

1. Jamila Bano W/o Late Hameed Khan, aged about 66 Years,
2. Gaffar S/o Late Hameed Khan, Aged About 52 Years,
3. Sattar S/o Late Hameed Khan, Aged About 39 Years,
4. Sharif S/o Late Hameed Khan, Aged About 33 Years,
5. Majeed Khan S/o Najri Khan, Aged About 72 Years,
6. Babu Khan S/o Najri Khan, Aged About 69 Years,
All residents of Ward No. 27, Near Chudiwalon Ki Haveli,
Nawalgarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)

----Petitioners

Versus

1. Hanif Khan S/o Mohd. Ali Khan, Aged About 89 Years,
2. Naushad S/o Hanif Khan, Aged About 54 Years,
Both residents of Flat No. A-2, Saltar Building No.35 Sarli
Rajan Road, Behind ICICI Bank, Bandra Thana Khaar
West Mumbai (Maharashtra)
3. Imtiyaz S/o Iqbal Ali, Aged About 69 Years, R/o 303
Kenan Cooperative Housing Society 23 V Road, Bandra,
Police Station Khaar West Mumbai (Maharashtra)
4. Ahamad S/o Mohd. Ali Khan, Aged About 84 Years,
5. Jaiyad S/o Ahamad Khan, Aged About 39 Years,
6. Juber S/o Ahamad Khan, Aged About 34 Years,
Nos.4 to 6 all R/o Flat No. 701, Landmark Residency, Jons
Road off Pali Road Bandra, Police Station Khaar, West
Mumbai (Maharashtra)
7. Hakam Ali S/o Mukarab Khan Malkan, Aged About 69
Years, R/o Ward No. 43, Nadipura Mohalla, Nawalgarh,
Tehsil Nawalgarh, District Jhunjhunu (Raj.)
8. Executive Officer, Nagar Palika, Nawalgarh, Tehsil
Nawalgarh, District Jhunjhunu (Raj.)

----Respondents

For Petitioner(s) : Mr. Dhanraj Bhaskar
For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

07/05/2026



1. The present writ petition has been filed by the petitioners assailing the order dated 21.02.2026 passed by the learned Gram Nayalaya, Nawalgarh, District Jhunjhunu in Civil Suit No.14/2022 (BT No.06/2022) titled as '*Jamila Bano & Ors. vs. Hanif Khan & Ors.*', whereby the application filed by the petitioners under Order 16 Rule 14 CPC, was rejected.
2. Brief facts giving rise to the present writ petition are that the petitioners (plaintiffs therein) filed a suit on 24.01.2022 seeking permanent injunction against the respondents (defendants therein) while stating that the petitioners are in settled and continuous possession of the suit property, having a residential construction over it since the time of their ancestors. It is alleged that the respondents, in collusion with each other, unlawfully interfering with the peaceful possession of the petitioners, therefore, the present suit was filed.
3. During pendency of the suit, the petitioners filed an application under Order 16 Rule 14 of CPC, contending that they are in continuous and settled possession of the suit property and in order to substantiate the same, they have relied upon several photographs and videos showing family functions held at the ancestral residence. It was further stated that in order to clarify the controversy involved in the matter and to assist the Court in effective adjudication of the matter, the Councillor (Ward-*Parshad*) namely *Javed @ Bahubali* may be summoned and examined as an independent witness as he is well acquainted with the local residents, their places of residence, and the nature and possession of the property and accordingly prayed that the application may be allowed.



4. After careful examination of the pleadings of the parties, learned Court below, vide order dated 21.02.2026, rejected the petitioner's application filed under Order 16 Rule 14, CPC.

5. Being aggrieved of which, the petitioners preferred the present civil writ petition.

6. Learned counsel for the petitioners submits that looking to the controversy involved in the present matter, the testimony of the aforesaid witness i.e. the Councillor (Ward-Parshad) is relevant, thus, he may be summoned in view of the provision under Order 16 Rule 14 of CPC. He further submits that the learned court below has not properly considered the averments of the application and dismissed the same in routine and cursory manner. Therefore, prays that the impugned order may kindly be set aside.

7. Heard and considered the submissions advanced by the learned counsel for the petitioners and perused the material available on record.

8. From a bare perusal of the record, it is evident that the suit was instituted in the year 2022 and the present application has been filed at a highly belated stage, i.e., after closure of the plaintiffs' evidence and when the matter is already fixed for final arguments.

9. Furthermore, the record reveals that in order to establish possession over the suit property, the examination of the proposed witness was sought, however, if the petitioners deemed such evidence to be material and necessary for adjudication of the suit, they ought to have examined the said witness at the stage of evidence itself. Yet, despite ample opportunity being available, no



endeavour whatsoever was made by the petitioners in this regard, which clearly reflects that the present application has been filed only to fill up the lacunae in the case at a subsequent stage of the proceedings.

10. Since the matter is at fag end, the petitioners cannot now be permitted to reopen the matter indirectly by way of the present application and the same would amount to granting an opportunity to collect additional evidence at a highly advanced stage of the trial, which is impermissible in law and contrary to the settled legal principles.

11. In that view of the matter, this Court is of the considered opinion that the impugned order dated 21.02.2026 does not suffer from any jurisdictional error, illegality, perversity, or legal infirmity so as to warrant any interference by this Court under the powers conferred by Article 227 of the Constitution of India.

12. Accordingly, the present writ petition fails and is hereby dismissed.

13. All pending application(s), if any, shall stand disposed of.

(MANEESH SHARMA),J