

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1569/2026

K. E. C. International Limited

----Appellant

Versus

Mohan Singh Hatoj S/o Shri Bane Singh

----Respondent

For Appellant(s)	:	Mr. R.B. Mathur, Sr. Adv. assisted by Mr. Mohit Khandelwal, Mr. Falak Mathur & Mr. Utsav Verma
For Respondent(s)	:	

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

21/04/2026

1. The present appeal has been filed assailing the order dated 17.02.2026, passed by learned Additional District and Session Judge No.9, Jaipur Metropolitan-II, whereby the temporary injunction application of the appellant under Order 39 Rule 1 & 2 CPC has been dismissed.
2. Learned counsel for the appellant submits that the appellants have instituted a suit for permanent injunction along with a prayer for possession. He further submits that in the earlier round of litigation, the predecessor-in-interest of the defendants, from whom they claim title, had instituted a suit for permanent injunction wherein the application for temporary injunction was initially allowed by the learned Trial Court. However, in appeal before the learned Additional District and Sessions Judge No. 9, Jaipur Metropolitan-II, Jaipur, the said order of the learned Trial Court was set aside on the ground that the defendant had failed to

establish a prima facie case with respect to ownership as well as possession, and accordingly, the application for temporary injunction was dismissed.

3. Learned counsel for the appellant further submits that the present set of defendants, stepping into the shoes of the earlier plaintiff, Smt. Bhanwar Tanwar, have now allegedly trespassed upon the plaintiff's land. He contends that the documents necessary for filing the suit for possession have been duly produced, yet the application for temporary injunction has been wrongly rejected. He further submits that the learned Trial Court has erroneously observed that it is not bound by the earlier order passed in the temporary injunction proceedings.

4. Learned counsel for the appellants further submits that the Civil Court is bound to follow the law and that the principles of *res-judicata* are applicable in the present case.

5. Heard.

6. Let notices be issued to the respondent-defendant(s). Rule is made returnable within four weeks.

7. '*Dasti*' permitted.

8. In the meantime, the respondents are restrained from alienating or creating third party interest in the disputed property.

9. List this matter after four weeks.

(BIPIN GUPTA),J