

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

S.B. Civil Miscellaneous Appeal No. 942/2022

Rajkumar Soni Son Of Shri Chandra Shekhar Soni,

----Appellant

Versus

Mohanlal Son Of Jamnalal Soni & Ors.

----Respondents

For Appellant(s) : Mr. Imran Khan

For Respondent(s) : Mr. Gaurav Singh Tanwar & Sikander
Ali Caveator for Resp.No.2

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

16/05/2022

The appellant-plaintiff has filed this appeal, feeling aggrieved by dismissal of his application for temporary injunction filed under Order 39 Rule 1 and 2 CPC vide impugned order dated 07.04.2022 passed by Additional District Judge, Camp Court Devli, District Tonk.

The counsel for appellant submits that appellant-plaintiff has filed a civil suit for partition of the properties of family, mainly on the basis of a document of family settlement dated 19.11.2019 executed between the parties to the present suit.

The counsel for respondent No.2 has entered as Caveator and submits that the family settlement has been cancelled through subsequent document of cancellation dated 05.06.2020.

In rebuttal, the counsel for appellant submits that the document of cancellation dated 05.06.2020 is not signed by the plaintiff nor this document was executed with the consent of plaintiff.

Having heard learned counsel for both parties, matter requires consideration.

Admit.

Issue notice.

Since respondent No.2 has already appeared, no need to issue notice.

Notices be issued to remaining all the respondents.

In the meanwhile and till further orders, both parties shall maintain status quo as to alienation and possession of the suit properties, as it exists today. However, this stay order will not prevent the trial court to pursue the trial of the main suit.

Record of the trial court relating to application for temporary injunction only may also be summoned.

(SUDESH BANSAL),J

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