

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 607/2026

Makkhanlal Son Of Snehilal, Resident Of Pragpura, At Present Resident Of Kotputli, District Jaipur, Present District Kotputli-Behror.

----Plaintiff-Appellant

Versus

1. Smt. Gyarsi Devi, Wife Of Late Sh. Tarachand (Since Deceased) (Abated To The Extent Vide Order Dated 09-05-2018).
2. Shimbhudayal Son Of Late Sh. Tarachand (Ex-Parte Vide Order Dated 11-03-2015).
3. Dayaram Son Of Late Sh. Tarachand (Ex-Parte Vide Order Dated 11-03-2015),
All Residents Of Lakshminagar, Kotputli, District Jaipur, At Present District Kotputli-Behror.
4. Smt. Maya, Wife Of Hetram, Daughter Of Late Shri Tarachand, Resident Of Village Ajabpura, Tehsil Thanagazi, District Alwar (Ex-Parte Vide Order Dated 11-03-2015).

---Defendants-Respondents

5. Ramakant Son Of Sh. Tarachand, Resident Of Garh Colony, Tehsil Kotputli, District Jaipur, At Present District Kotputli-Behror (Ex-Parte Vide Order Dated 11-03-2015).
6. Rameshwar, Son Of Lachhu, Resident Of Village Sundarpura, Tehsil Kotputli, District Jaipur, At Present District Kotputli-Behror.
7. Smt. Sunita Devi, Wife Of Kamlesh, Resident Of Dhani Goliya Tan Poorna Nagar, Tehsil Kotputli, At Present Resident Of Tejas Public School, Lakshmi Nagar, Kotputli, District Jaipur (Ex-Parte Vide Order Dated 11-03-2015).
8. Hetram Son Of Mamraj, Resident Of Ajabpura, Tehsil Thanagazi, District Alwar (Ex-Parte Vide Order Dated 23-07-2015).
9. Rudaram Son Of Gangasahay, Resident Of Rajpura Shirwan, Tehsil Thanagazi, District Alwar (Ex-Parte Vide Order Dated 11-03-2015).
10. Smt. Banti Devi, Wife Of Satyendra, Daughter Of Richhpal

Thakur, Resident Of Baneti, Tehsil Kotputli, District Jaipur, Present District Kotputli-Behror (Ex-Parte Vide Order Dated 11-03-2015).

11. Indraj, Son Of Bhagwana, Resident Of Dhani Ramsagar, Tan Amayi, Tehsil Kotputli, District Jaipur. Present District Kotputli-Behror (Ex-Parte Vide Order Dated 11-03-2015).
12. Jagdish, Son Of Harinarayan, Resident Of Dhani Badh Wali, Tan Nangal Pandipura, Tehsil Kotputli, District Jaipur, Present District Kotputli-Behror, (Ex-Parte Vide Order Dated 11-03-2015).
13. Subhash, Son Of Gyarsa, Resident Of Dakoda, Tehsil Narnaul, District Mahendragarh, District Haryana (Ex-Parte Vide Order Dated 11-03-2015).
14. Ramkishan, Son Of Sohanlal, Resident Of Sundarpura, At Present Paota, Tehsil Kotputli, District Jaipur, Present District Kotputli-Behror (Ex-Parte Vide Order Dated 11-03-2015).
15. Smt. Lali Devi, Wife Of Lalchand, Resident Of Village Sundarpura, Tehsil Kotputli, District Jaipur, Present Kotputli-Behror (Ex-Parte Vide Order Dated 11-03-2015).
16. Pawan Kumar, Son Of Omprakash, Resident Of Village Kaarauli, Tehsil Narnaul, Mahendragarh, District Haryana (Ex-Parte Vide Order Dated 11-03-2015).
17. Tehsildar, Tehsil Kotputli, District Jaipur, At Present District Kotputli-Behror.
18. Sub-Registrar, Tehsil Kotputli, District Jaipur, At Present District Kotputli-Behror.
19. Executive Engineer, Nagar Palika Kotputli, District Jaipur, At Present District Kotputli-Behror.
20. Collector (Stamps) Jaipur Metropolitan Second, Registration And Stamps Department, District Collector, Jaipur, Office Campus, Jaipur.

----Respondents

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

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

21/04/2026

1. The present appeal has been filed by the appellant-plaintiff under Section 96 read with Order XLI Rule 1 and 2 of CPC challenging the judgment and decree dated 07.03.2026 passed by learned District Judge Kotputli, District Kotputli-Behror (hereinafter referred to as learned 'trial Court') in Civil Suit No.12/2025 filed by the appellant-plaintiff for specific performance of the contract, declaration and permanent injunction, whereby, the same was dismissed by learned trial Court.
2. Learned counsel appearing on behalf of the appellant-plaintiff submits that though, learned trial Court has recorded the finding that the agreement was executed between the parties, however, the suit has been dismissed on the ground that the appellant-plaintiff was not ready and willing to perform his part of the agreement.
3. The matter requires consideration.
4. Issue notice to the respondents by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks. Requisites be filed within a period of one week.
5. Record of the Court below be summoned.
6. List the matter after six weeks.
7. Till the next date of hearing, both the parties are restrained from creating any third party interest with respect to property in dispute.

(ASHUTOSH KUMAR),J