

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7129/2026

Mangilal S/o Late Udaram Bairwa - Deceased

-----Petitioner

Versus

Birdichand Bairwa S/o Late Udaram Bairwa

-----Respondent

For Petitioner(s)	:	Mr. RK Daga Mr. Rahul Singh Chouhan
For Respondent(s)	:	

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

24/04/2026

1. The present writ petition has been filed assailing the order dated 12.03.2026, passed by learned Additional District Judge, No.1, Jaipur Metropolitan-I, in Civil Regular Appeal No. 19/2008, whereby the learned First Appellate Court, while allowing the appeal, set aside the judgment and decree dated 04.10.2006 passed by the learned Additional Civil Judge (Junior Division) No.3, Jaipur Nagar, Jaipur in Civil Suit No. 65/1998, and remanded the matter back to the learned trial Court along with framing of an additional issue.

2. Learned counsel for the petitioner submits that during the pendency of the appeal, an application under Order 41 Rule 27 CPC was filed seeking to place on record certain documents pertaining to title and possession, which were necessary for proper adjudication of the case. However, the said application was rejected.

3. Learned counsel for the petitioner further submits that since the matter now stands remanded to the trial Court, there is a

likelihood that the petitioner may not be permitted to produce the said documents under Order 8 Rule 1 or Rule 3 CPC, thereby causing serious prejudice to his case.

4. Heard.

5. Let notice be issued to the plaintiff 1/1 and 1/2. Rule is made returnable within four weeks.

6. In the meanwhile, the learned trial Court shall not pass any final order.

7. List this matter after four weeks.

(BIPIN GUPTA),J

JUBIN /7