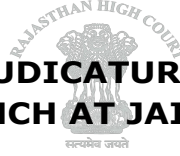




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 7333/2026

1. Sunder Lal S/o Shri Sevak Ram, aged about 50 Years, R/o 3904, Fakiron Ka Tiba, gangauri Bazar, Jaipur.
2. Smt. Savitri Mamnani W/o Shri Sunder Lal, R/o 3904, Fakiron Ka Tiba, Gangauri Bazar, Jaipur

----Petitioners

Versus

1. Babulal Sharma S/o Shri Bhanwar Lal Sharma, aged about 48 Years, R/o Badi Ka Bas, Ramgarh Road, Jaipur through his Power of Attorney Holder Ajay Dhandhiya S/o Late Shri Amar Chand Ji Dhandhiya, aged about 52 Years, R/o C-49, Shivanand Marg, Raja Park, Jaipur.
2. Jaipur Nagar Nigam, Jaipur through its Commissioner, office at Deendayal Upadhyay Bhawan, Lalkothi, Jaipur.

----Respondents

For Petitioner(s) : Mr. Anurag Sharma
Mr. Manish Pareek

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

01/05/2026

1. The present writ petition has been filed by the petitioners assailing the order dated 25.03.2026 passed by the learned Additional District Judge No.3, Jaipur Metropolitan-II in Misc. Civil Appeal No.05/2026 titled as '*Sunder Lal & Anr. vs. Babulal Sharma & Anr.*', as well as the order dated 23.12.2025 passed by the learned Additional Civil Judge No.4, Jaipur Metropolitan-II in Misc. Civil Application (TI) No.220/2025 titled as '*Babulal Sharma vs. Nagar Nigam & Ors.*', whereby both the learned Courts below allowed the application for temporary injunction filed by the plaintiff/respondent and the present petitioners were restrained to maintain status quo with regard to possession and record of the suit property.



2. Brief facts giving rise to the present petition are that the plaintiff/respondent No. 1 filed a suit seeking a prohibitory injunction against respondent No. 2 and petitioner No. 1. It was stated therein that the suit property was transferred by one *Gulli Devi* to *Mohd. Hanif* vide written deed dated 01.01.1968, which was subsequently transferred by *Mohd. Hanif* to the plaintiff/respondent No. 1, *Babu Lal Sharma*, vide registered sale deed dated 30.06.2004. It was further averred that the plaintiff/respondent No. 1 is in peaceful possession over the suit property and submitted an application to the Nagar Nigam for obtaining approval for raising construction over the suit property, which is evidenced by the Site Inspection Report dated 15.05.2012.

3. Along with the suit, the plaintiff/respondent No.1 also filed a TI application under Order 39 Rule 1 & 2 and Section 151 of the CPC, seeking an injunction over the suit property on the basis of a sale deed dated 30.06.2004 and prayed for restraining the defendants from raising any construction over the suit property or causing any disturbance in the peaceful possession of the suit property.

4. In the said suit, defendant Nos. 1 & 2 chose not to file a reply to the temporary injunction application.

5. Defendant Nos. 3 & 4 filed a reply to the temporary injunction application stating that the plaintiff therein had failed to approach the Court with clean hands, citing suppression of facts regarding the earlier round of litigation, wherein the plaintiff had successfully moved an application under Order 1 Rule 10 of CPC, and despite being impleaded as a party, the plaintiff failed to



participate in the final arguments. It was further averred in the reply that the petitioners are owners of the suit property by virtue of a *Patta* dated 14.11.2017 and a gift deed dated 01.03.2020, therefore the plaintiff is not entitled to an injunction as claimed in the TI application; and accordingly prayed for dismissal of the temporary injunction application.

6. After a careful examination of the pleadings and documents so filed by the parties, the learned Trial Court vide order dated 23.12.2025 allowed the plaintiff/respondent's temporary injunction application and directed defendant Nos. 3 and 4 to maintain status quo with regard to possession and record of the suit property.

7. Aggrieved by the findings of the learned Trial Court, the petitioners preferred a civil miscellaneous appeal, which came to be dismissed vide order dated 25.03.2026.

8. Aggrieved by which, the petitioners have preferred the present civil writ petition.

9. Learned counsel for the petitioners submits that the petitioners are owners of the suit land on the basis of a *Patta* dated 14.11.2017, duly obtained from the Municipal Authorities, and on the basis of the said *Patta*, the present petitioner No.1 has executed a gift deed dated 01.03.2020 in favor of petitioner No.2, who is the rightful owner of the suit property. He further submits that the respondents' title is based solely on an alleged sale deed of 2004, which does not have any relevance to the matter at hand. He, therefore, submits that the learned Courts below erred in allowing the application for a temporary injunction and prays for the setting aside of the orders dated 25.03.2026 and 23.12.2025.



10. Heard and considered the submissions advanced by the learned counsel for the petitioners, as well as perused the impugned orders dated 25.03.2026 and 23.12.2025.

11. From a bare perusal of the impugned orders, it is evident that the suit for permanent and mandatory injunction has been filed by the plaintiff/respondent No. 1 in respect of the suit property bearing Municipal No. 3904, situated at *Fakiron Ka Tiba, Gangauri Bazar, Chowkri Purani Basti, Jaipur*, admeasuring 100.80 square yards (84.80 square meters). Along with the said suit, the plaintiff/respondent No. 1 also filed an application under Order 39 Rules 1 and 2 and Section 151 of the CPC, with a prayer seeking to restrain the defendants from raising any construction or creating any hindrance over the suit property.

12. It is also revealed that the plaintiff has claimed to be the owner of the suit property by virtue of a sale deed dated 30.06.2004, whereas the present petitioners have claimed ownership over the suit property by virtue of a *Patta* granted by the Municipal Corporation dated 14.11.2017 and a gift deed dated 01.03.2020.

13. From a bare perusal of the impugned orders, it is also evident that there is a dispute with regard to the title over the suit property, as both the plaintiff/respondent No. 1 (by virtue of a sale deed dated 30.06.2004) and the petitioner (by virtue of a *Patta* dated 14.11.2017) have claimed to have title over the suit property. Both the learned Courts below have observed that since there is a *bona fide* dispute between the parties with regard to title, the issue of title over the suit property will have to be examined during the course of the trial. Therefore, in order to



preserve the suit property, the learned Trial Court rightly granted a temporary injunction to the plaintiff/respondent No. 1.

14. While deciding the issue of a *prima facie* case, balance of convenience, and irreparable loss in favor of the plaintiff/respondent, both the learned Courts below allowed the application for temporary injunction filed by the plaintiff/respondent while directing the petitioners to maintain status quo qua possession and record of the suit property.

15. Both the learned Courts below, after a careful examination of the pleadings and documents so filed by the parties, as well as after applying the three-pronged test for the grant of temporary injunction, as discussed above, have concurrently decided the issue of temporary injunction against the petitioners, which is an equitable relief. Since the petitioner has failed to substantiate as to how the impugned orders are arbitrary or perverse, the arguments advanced by the petitioner cannot be accepted.

16. Even otherwise, it is trite law, that where there exists a *bona fide* dispute over the title of the suit property that requires investigation, the Courts are empowered under Order 39 of the CPC to grant an injunction, as the primary objective of this equitable relief is to maintain the status quo and preserve the subject matter of the main suit pending final adjudication.

17. In that view of the matter, this Court is of the considered opinion that both the impugned orders dated 25.03.2026 and 23.12.2025 do 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.



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

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

(MANEESH SHARMA),J

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