

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



S.B. Civil First Appeal No. 1145/2025

Jagdish Prasad Sharma Son Of Late Shri Kailash Nath Sharma,
Aged About 75 Years, Resident Of 168, Muktanand Nagar,
Gopalpura Bypass Road, Jaipur.

-----Appellant

Versus

1. Narendra Prasad Sharma Son Of Late Shri Kailash Nath
Sharma, Resident Of House No. 683, Raja Lavans House,
Bandris Nasik, Jaipur.

-----Respondent/Plaintiff

2. Rajendra Prasad Sharma Son Of Late Shri Kailash Nath
Sharma, Resident Of House No. 190, Mohan Nagar,
Gopalpura Bypass Road, Jaipur.

3. Premkumari Daughter Of Late Shri Kailashnath Sharma,
Aged About 85 Years, Resident Of Ward No. 19, Purohiton
Ki Dhani, Sikar.

4. Pratima Kumari Daughter Of Late Shri Kailashnath
Sharma, Aged About 80 Years, Resident Of House No.
170, Indra Colony, Bani Park, Jaipur.

--- Proforma Respondents/Defendant No.2 to 4

For Appellant(s)	:	Mr. Nitesh Pareek Mr. Ashwani Mishra
For Respondent(s)	:	Mr. Iskandh Sharma

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

13/04/2026

1. This first appeal has been filed against the final decree dated
22.04.2025 passed by Additional District and Session Judge No.9,
Jaipur Metropolitan-II, whereby learned trial Court has directed to

auction the property and after deducting the auction expenses, divide the auction proceeds among the parties.

2. The brief facts of the case are that Respondent- Narendra Prasad Sharma filed a partition suit against Appellant- Jagdish Prasad Sharma and three others for partition of the disputed property in which final decree was passed by Additional District and Sessions Judge No.9, Jaipur Metropolitan-II vide order dated 22.04.2025 whereby, it was ordered that disputed property be auctioned and after deducting the auction fees the sale proceed shall be divided in plaintiff/respondent and defendant/appellant in the ratio of 4:5 and 1:5 respectively.

3. The matter was sent to mediation centre and as per the report of medication center dated 26.02.2026 sent by Special Secretary (Mediation and Arbitration) Rajasthan State Legal Service Authority Jaipur, the mediation has become successful and parties have arrived at compromise and have settled their dispute out of Court. The compromise deed has also been annexed with the report of the mediation centre. Learned counsel appearing on behalf of the parties submit that parties have agreed to sell the disputed property to third party and agreed to divide the sale amount as per their respective shares i.e., 1/5th share of the appellant and 4/5th share of the respondent. It has also been agreed that in view of the said compromise the appellant shall withdraw this appeal.

4. Now since the parties have agreed to dispose of the property on their own, therefore, the order of the trial Court directing auction sale of the suit property be modified to the extent that

appellant and respondent shall make all efforts to sell the property and divide the sale amount in the ratio as ordered by the learned trial Court.

5. In view of the above discussion, the appeal is partly allowed while directing that the disputed property shall not be auctioned rather it shall be sold by both the parties on their own and the sale amount be divided in the ratio as ordered by the learned trial Court.

6. The compromise deed shall be part of this order.

7. Accordingly, office is directed to modify the decree.

8. Record of the Court below be sent back.

(ASHUTOSH KUMAR),J