

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

**S.B. Civil Second Appeal No. 436/2017**

Naresh Kumar And Anr.

----Appellants

Versus

Principal Rajkiya Uchcha Madhyamik Vidya & Anr.

----Respondents

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For Appellant(s) : Mr. Shri Ram Yadav

For Respondent(s) :

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**HON'BLE MR. JUSTICE SUDESH BANSAL**

**Order**

**10/11/2022**

Appellants-plaintiffs have preferred this second appeal assailing the judgment and decree dated 16.03.2017 passed in Civil Appeal No.1/2011 by the Court of Additional District Judge No.1, Kishangarhbas, Alwar wherein the appeal filed by respondents-defendants have been allowed and the judgment and decree dated 06.01.2011 passed in Civil Suit No.30/1996 by the Court of Civil Judge (JD), Kishangarhbas, Alwar was set aside.

It appears that civil suit was decreed by the trial court vide judgment dated 06.01.2011. Thereagainst first appeal was filed by the Government Higher Secondary School. In the first appeal, first appellate court on re-appreciation of evidence recorded fact finding that the subject land has been allotted to the Government School vide order dated 26.08.1975 (Ex.A1) and recorded in the revenue record in the name of School (Ex.A3 and Ex.A5). First appellate court recorded fact findings that plaintiffs have not produced any substantive evidence to show their possession over

the suit land and accordingly suit for permanent injunction has been dismissed vide order dated 16.03.2017.

This second appeal was filed on 28.06.2017 but perusal of previous order-sheets go to show that the same has not been pursued vigilantly by and on behalf of appellants.

When the appeal was listed on 29.06.2022, on request of counsel for appellant, the appeal was adjourned for 04.07.2022. On 04.07.2022 no one appeared to pursue the second appeal.

In the interest of justice and as a last opportunity, let this second appeal be listed on 17.11.2022 in 'supplementary list'.

**(SUDESH BANSAL),J**

SAURABH/11

