

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

S.B. Civil First Appeal No. 345/2021

Jitendra Kumar Sharma S/o Shri Govind Narain Sharma

----Appellant

Versus

Govind Narain Sharma S/o Shri Ramkishor Sharma & Ors.

----Respondents

For Appellant(s)	:	Mr. J P Goyal, Sr. Advocate with Mr. Abhi Goyal
For Respondent(s)	:	Mr. Peush Nag Mr. Praveen Kumar Sharma

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

04/03/2022

By way of this appeal the appellant-plaintiff assailing the judgment and decree dated 02.09.2021 passed by Additional District Judge No.7, Jaipur Metropolitan whereby and whereunder his civil suit for partition and permanent injunction has been dismissed and simultaneously the counter claim of respondent-defendant for possession has been decreed.

The suit property is alleged to be the property of HUF, although the respondent disputes the same. According to respondents, the property stands in the name of respondent No.1, Govind Narain Sharma by virtue of the patta issued by the Jaipur Development Authority.

Record of the trial court has already been received.

Having heard counsel for both parties and perusal of record, the matter requires consideration.

Issue notice to respondent No.2.

Appeal has already been admitted for hearing.

Having considered the facts and circumstances of the case and nature of litigation, it is hereby directed that the execution of the impugned decree shall remain stayed and both parties shall maintain status quo as to alienation and possession as it exists today.

With the aforesaid observation, the stay application stands disposed of.

The respondent-decree holders claim mesne profit for which they are free to file appropriate application.

(SUDESH BANSAL),J

SAURABH/31

