

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 823/2024

Badri Lal Khateek S/o Nathulal, (deceased)

----Appellant

Versus

Sandeep Singh Naruka S/o Narayan Singh

-----Respondent

For Appellant(s)	:	Mr. Manoj Kumar Avasthi
For Respondent(s)	:	Mr. Rahul Sharma and Mr. Utkarsh Goyal for Mr. Rajneesh Gupta

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

24/02/2026

1. The present first appeal has been filed by the appellants assailing the judgment and decree dated 24.05.2024 passed by the learned Additional District Judge No.3, Kota, Rajasthan in Regular Civil Case No.32/2012 (CIS No.1008/2014), whereby the suit for possession and permanent injunction filed by the plaintiff/respondent was decreed.
2. Learned counsel for the appellants submits that the learned Court below erred in holding that the house of the appellant/land in question is situated at Khasra No.35 whereas the suit property falls under Khasra No.37 and is in the ownership of the appellants.
3. *Per contra*, learned counsel for the respondent seriously disputes the aforesaid contention and submits that the appellant is having a lease deed dated 04.03.2011 issued by Urban Improvement Trust, Kota, in their favour which reflects that the plaintiff/respondent is the rightful owner of the suit property.
4. Heard.

5. In view of the above submissions, the issue involved in the matter needs consideration.
6. Admit.
7. Mr. Rahul Sharma and Mr. Utkarsh Goyal, Advocates appear on behalf of Mr. Rajneesh Gupta, learned counsel for the plaintiff/respondent; and accept notice on behalf of the plaintiff/respondent. Thus, service is treated as complete.
8. Accordingly, notice need not be issued.
9. Let record of the Court below be summoned.
10. In the meanwhile, the execution of the judgment and decree dated 24.05.2025 shall remain stayed, provided the appellants pay or deposit a sum of Rs.13,000/- per month as mesne profit to the respondent during pendency of the present first appeal w.e.f. 01.02.2026, on or before the 15th day of succeeding month in the bank account of the respondent, which will be provided by the respondent during the course of the day. At the same time, it is clarified that in case the present first appeal is allowed, the mesne profit so received by the respondent will be refunded to the appellants along with interest @ 6% per annum.
11. However, it is made clear that if the appellant fails to deposit the mesne profit for two (2) consecutive months, the respondent shall be entitled to execute the decree without further reference of this Court.
12. Accordingly, the Stay application (S.B. Civil Misc. Stay Application No.2896/2024) is disposed of.

(MANEESH SHARMA),J