

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13938/2025

Ramswaroop S/o Shri Vihari Singh, Aged About 73 Years, R/o Mohalla Kayasthpada, Dholpur Tehsil And District Dholpur.

-----Petitioner/Defendant No.1

Versus

1 Manish Shrivastava D/o Shri Laxmanswaroop Shrivastava,
Aged About 42 Years, R/o Mohalla Kayasthpada, Dholpur.

.....Respondent/Plaintiff

2 Smt. Usha, Aged About 68 Years, W/o Ramswaroop
(Deceased)

3 Manoj, (Deceased During Suit)

3.1 Rajesh, Aged About 58 Years, Widow Manoj Kumar

3.2 Himani, Aged About 27 Years, D/o Manoj Kumar

3.3 Yaman, Aged About 25 Years, S/o Manoj

4 Jitendra @ Kaka, Aged About 41 Years, S/o Ramswaroop

5 Santo S/o Ramswaroop, Aged About 37 Years,
Respondent No. 2 To 5 Are R/o Mohalla Kayasthpada,
Dholpur Tehsil And District Dholpur.

6 Manindra Kaushik Advocate S/o Shri Bhagwatswaroop,
R/o House No. 14/48 Swarnpath, Mansarovar, Jaipur.

7 Ravi Kaushik S/o Shri Bhagwatswaroop, R/o House No.
24/93, Swarnpath, Mansarovar, Jaipur.

8 Kalpna W/o Shri Ramesh Chand Tiwari D/o Shri
Bhagwatswaroop, R/o 3A, Gupteshwar Nagar, Hiran
Nagari, Sector No. 7, Udaipur

9 Alpna W/o Abhaykant Sharma D/o Shri Bhagwatswaroop,
R/o Near Reliance Petrol Pump, Bharatpur Road, Saipau,
District Dholpur.

-----Proforma-Respondents-Defendants

For Petitioner(s) : Mr. J.K. Moolchandani

For Respondent(s) : Mr. Naresh Kumar Sharma

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

26/02/2026

1. Without pressing the writ petition on merits, learned counsel for the petitioner submits that although an amendment has been allowed, which might change the nature of the suit, he only prays that the learned Trial Court be directed to ensure that in the suit under Section 6 of the Specific Relief Act, 1963 (hereinafter referred to as "the Act of 1963"), the title of the parties shall not be decided.
2. Heard learned counsel for both the parties.
3. This Court finds that it is a settled principle of law that in a suit under Section 6 of the Act of 1963, the title of the parties is not required to be decided by the learned Trial Court. This position has not been disputed by the counsel for the respondents. Therefore, it is observed that the learned Trial Court shall not, in any manner, decide the title of the parties in the present suit.
4. It also appears that no costs have been imposed on the plaintiff-respondent, who sought the amendment after twelve years of filing the suit. Therefore, this Court deems it appropriate to direct that the respondent-plaintiff shall pay a cost of Rs. 10,000/- to the defendant for the amendment.
5. With the above observations, the present civil writ petition stands disposed of.
6. Pending application(s), if any, also stands disposed of.

(BIPIN GUPTA),J