

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 428/2025

Hariram S/o Sh. Shyokaran

----Appellant

Versus

Rajesh S/o Heeralal and ors.

----Respondents

For Appellant(s) : Mr. Lokendra Sharma for
Mr. T.C. Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

17/10/2025

1. Respondent-plaintiff filed a civil suit for possession, mandatory injunction and permanent injunction which was decreed vide judgment 31.01.2023 whereagainst appellant-defendant No.1 preferred First Appeal. In the First Appeal, decree has been modified and assuming the possession of respondents-plaintiffs, appellant has been restrained not to obstruct the use, occupation and possession of respondent-plaintiff whereas according to the appellant, property in question is in actual possession of appellant.

2. It has been submitted that substantial questions of law are involved in the Second Appeal and due to sickness of appellant, he could not file Second Appeal within limitation.

3. Let notice of application under Section 5 of the Limitation Act along with appeal and stay application be issued to respondent No.1-plaintiff only.

4. Issuance of notice to respondent Nos.2 and 3, being co-defendants with appellant, is dispensed with on the prayer of the counsel for the appellant.

5. Let record of both the courts below be also summoned.

6. In the meanwhile, other defects except the defect of limitation may be removed by the counsel for the appellant within a period of one week.

(SUDESH BANSAL),J