

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 1659/2025

Abdul Hakim Son Of Abdul Razak & Ors.

----Appellants

Versus

Abdul Wahab Son Of Abdul Razak Urf Nanne Mian & Ors.

----Respondents

Connected With

S.B. Civil First Appeal No. 1667/2025

Abdul Hakim Son Of Abdul Razak & Ors.

----Appellants

Versus

Abdul Wahab Son Of Abdul Razak Urf Nanne Mian & Ors.

----Respondents

For Appellant(s)	:	Mr. Naseemuddin Qazi
For Respondent(s)	:	Mr. Mukesh Sharma

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

17/02/2026

S.B. Civil First Appeal No. 1659/2025:

1. As per office report, notices of respondent Nos.1 to 4 are awaited and notices of respondent Nos.5 and 7 were received back unserved.
2. Learned counsel for the appellants is directed to take steps for fresh service on respondent Nos. 5 and 7.
3. Office is directed to issue fresh notice to the respondents Nos.1 to 4, 5 and 7, returnable within two weeks.
4. Notices be filed in two sets. Upon filing the same, one set be sent by ordinary post and another by registered post.

S.B. Civil First Appeal No. 1667/2025:

1. Learned counsel for the appellants submits that, though service upon the main contesting plaintiff/respondent No. 1, Abdul Wahab, has been effected, and notices to the proforma respondents remain unserved. He further submits that, against the preliminary decree dated 25.04.2024, the present appellant has already filed *S.B. Civil First Appeal No. 1659/2025*. Although the said appeal has been filed after a delay of 432 days, it is still pending for want of service. He also submits that, during the pendency of the present appeal, the plaintiff/respondent no.1 is bent upon executing the final judgment and decree dated 14.07.2025 and unless the operation and effect of the judgment and decree dated 14.07.2025 is stayed, both appeals will be rendered infructuous.

2. *Per contra*, learned counsel for the respondents/plaintiffs seriously opposes the aforesaid submissions. He submits that the learned court below has passed the impugned judgment and decree dated 14.07.2025 in accordance with law; that a Commissioner has already been appointed; and that there is no justification in staying the proceedings of the final hearing.

3. Heard and considered the facts of the case, including that the Executing Court has fixed the matter for tomorrow, i.e., 18.02.2026, for execution of the final decree in terms of the judgment and decree dated 14.07.2025 passed in a suit for partition.

4. The appellant is directed to do the needful in terms of the office report within two weeks from today.
5. List the matter after three weeks along with *S.B. Civil First Appeal No. 1659/2025*.
6. Till next date of hearing, the parties are directed to maintain status quo with regard to the suit property as it exists today.

(MANEESH SHARMA),J