

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 467/2025

1. Shri Aashish Sharma S/o Shri Rajendra Kumar Sharma, R/o Plot No. B-29, Rajat Enclave, Anta, District Baran, Presently Residing At Police Thane Ke Samne, Anta, Baran, Rajasthan-325202.
2. Smt. Anupriya Sharma W/o Shri Pradeep Kumar Gautam, R/o Plot No, B-8, Rajat Enclave, Anta, District Baran, Presently Residing At Aspatal Ke Samne, Siswali Road, Anta, Baran, Rajasthan-325202.
3. Mahesh Kumar Gautam S/o Shri Hemraj Sharma, R/o Plot No. B-3, Rajat Enclave-I, Anta, District Baran, Presently Residing At Near Panjabi Bhawan, Nagar Palika Colony, Baran, Rajasthan-325205.
4. Hemraj Prajapati S/o Shri Shravan Lal, R/o Rajat Enclave-I, Anta, District Baran, Presently Residing At Ward No. 4, Singhadi Talai, Anta, Baran, Rajasthan-325202.
5. Nand Bihari Meena S/o Shri Om Prakash Meena, R/o Plot No. B-7, Rajat Enclave, Anta, District Baran, Presently Residing At Patel Niwas, Kota Baran Road, Anta, Baran, Rajasthan-325202.
6. Smt. Revati Bai W/o Shri Mohan Lal Mehra, R/o Plot No. 47, Rajat Enclave-I, Anta, District Baran, Presently Residing At Palsawa, Anta, Baran, Rajasthan-325209.
7. Pramod Sharma S/o Shri Madan Lal Sharma, R/o Plot No. B-44, Rajat Enclave, Anta, district Baran, Presently Residing At Brij Vihar Colony, Kota Baran Main Road, Anta, Baran, Rajasthan-325202.
8. Naresh Meena S/o Shri Buddhi Prakash Meena, R/o Plot Nos. B-29-1, And B-30-1, Rajat Enclave, Anta, District Baran, Presently Residing At Purani Meena Basti, Pachel Khurd, Anta, Baran, Rajasthan-325202.
9. Smt. Sandhya Sharma W/o Shri Lakhan Sharma, R/o Plot No. B-9, Rajat Enclave, Anta, District Baran, Presently Residing At Sabji Mandi Garh Colony, Baran, Rajasthan-325205.
10. Bhawani Shankar Meena S/o Shri Roopchand Meena, R/o Plot No. B-28, Rajat Enclave-I, Anta, District Baran, Presently Residing At Raithal, Sub District Mangrol, District

Baran, Rajasthan-325206.

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Versus

1. Mahendra Suman, Aged About 37 Years, S/o Jamnalal Suman, R/o House No. 02/59, Housing Colony, Anta, Tehsil Anta, District Baran(Raj.).
2. Kuldeep Meena, Aged About 45 Years, S/o Jamnalal Meena,, R/o House No. 02/92, Housing Colony, Anta, Tehsil Anta, District Baran (Raj.).
3. Mahaveer Prasad, Aged About 50 Years, S/o Gopilal, R/o House No. 1/47, Housing Colony, Anta, Tehsil Anta, District Baran (Raj.).
4. Balmukund Rathore, Aged About 61 Years S/o Mohanlal Rathore, R/o House No. 2/103, Housing Colony, Anta, Tehsil Anta, District Baran(Raj.).
5. Mahaveer Goyal, Aged About 49 Years, S/o Sundarlal Goyal, R/o House No. 2/58, Housing Colony, Anta, Tehsil Anta, District Baran (Raj.).
6. Raghuveer Meena, Aged About 50 Years, S/o Tejpal Meena, R/o House No. 2/17, Housing Colony, Anta, Tehsil Anta, District Baran(Raj.).
7. Rajendra Kumar Singhal, Aged About 52 Years, S/o Gopal Krishna, R/o House No. 2/4, Housing Colony, Anta, Tehsil Anta, District Baran (Raj.).
8. Gurujant Singh, Aged About 67 Years, S/o Nidhan Singh, R/o House No. 1/41, Housing Colony, Anta, Tehsil Anta, District Baran (Raj.).

---Respondents-Plaintiffs

9. Deputy Housing Commissioner, Rajasthan Housing Board, Kota, Circle Kota.
10. Residential Engineer, Rajasthan Housing Board, Block Baran, District Baran.
11. Executive Engineer, Nagar Palika Anta, District Baran (Raj.).

----Respondents-Defendants

For Appellant(s)	:	Mr. Siddharth Bapna Mr. Banwari Singh Mr. Rahul Kamwar
For Respondent(s)	:	Mr. Manoj Prajapat for Mr. Mukesh Sharma Mr. Manoj Chaudhary Mr. Yadvendra Patel for Mr. G.S. Gill, AAG

HON'BLE MR. JUSTICE ASHUTOSH KUMAR
Order

30/04/2026

1. Matter comes up on an application (I.A No. 1/2025) under Rule 147 of Rajasthan High Court Rules, 1952 read with Section 151 of CPC seeking leave to file the present civil second appeal.
2. This present civil second appeal has been filed against the impugned judgment and decree dated 14.08.2025 passed by learned District Judge, Baran (hereinafter referred to as 'First Appellate Court') in Civil Appeal No.2/2024, whereby, learned First Appellate Court allowed the appeal preferred against the judgment and decree dated 18.10.2023, passed by learned Civil Judge, Anta, District Baran in Civil Suit No.11/2017 and set aside the judgment and decree dated 18.10.2023, while decreeing the civil suit filed for permanent and mandatory injunction by the respondents-plaintiffs against the Housing Board, Anta.
3. Admittedly, the respondent-plaintiffs are the residents of the Housing Board Colony, Anta, they filed the aforesaid civil suit, whereas, the present appellants are the residents of the Rajat Enclave, Anta which is an adjoining colony to the colony of the respondent-plaintiffs. The colony of the appellants i.e. Rajat Enclave, Anta is having access to Kota-Baran Road by way of 40

feet public road which is passing through the Housing Board Colony of the respondent-plaintiffs. Vide impugned judgment and decree dated 14.08.2025, the learned First Appellate Court issued directions to respondent-defendants for constructing the boundary wall and for blocking the said 40 feet road, thereby, allegedly resulting in obstruction of the public access of the appellants and other residents of the colony. Along with the aforesaid directions, the respondent-plaintiffs were also given liberty to construct the boundary wall and subsequently, to raise the cost of construction from the respondent-defendant i.e. Housing Board in case of the failure on its part to construct the same.

4. Learned counsel for the appellants submits that if the boundary wall in dispute is constructed, it will affect the public access and the right of way of the appellants, as shown in the layout plan of the colony-Rajat Enclave, Anta.

5. Learned counsel for the appellants further submits that if the impugned judgment and decree is sustained, then the valuable right of way of the appellants will be adversely affected. Learned counsel contends that though the appellants were not made party neither in the civil suit nor in the civil first appeal, however, the rights of the appellants are adversely affected and thereby, they are entitled to file the present civil second appeal. Learned counsel prays that the leave to file this present civil second appeal may be granted to the appellants.

6. Learned counsel for the appellants has drawn the attention of this Court towards the judgment passed by Hon'ble Apex Court in the case of **V.N. Krishna Murthy and Another Vs. Ravi Kumar and Others** reported in **(2020) 9 SCC 501**.

7. Looking to the overall facts and circumstances of the case and the fact that due to construction of the boundary wall in dispute, the right of way of the appellants will be affected adversely, this Court deems it fit to grant liberty to the appellants to file the present second civil appeal.

8. Accordingly, leave is granted.

9. As the notices of the present appeal have already been served upon the respondents, thus, service is treated as complete.

10. Heard on Stay Application No. 4485/2025.

11. List the matter along with S.B. C.S.A. No.486/2025.

12. Till the next date of hearing, the effect and operation of the impugned judgment and decree dated 14.08.2025 passed by learned First Appellate Court with regard to construction of boundary wall in dispute, shall remain stayed.

(ASHUTOSH KUMAR),J