

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 1760/2025

Vinod Kumar Bagadiya S/o Shri Nandlal Bagadiya

----Appellant

Versus

Shri Jyoti Kumar Patwari S/o Shri Bajrang Lal and Anr.

----Respondents

For Appellant(s) : Mr. Ram Manohar Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

11/11/2025

1. This Civil First Appeal has been filed by and on behalf of plaintiff, feeling aggrieved by dismissal of his Civil Suit for specific performance and permanent injunction in respect of shop in question passed on an oral agreement in respect of shop in question.
2. Counsel for the appellant submits that out of total sale consideration of Rs. 9,00,000/-, Rs.4,04,000/- was transacted by plaintiff to defendant No.1 through RTGS, which has never been refunded to plaintiff, hence, in that view, oral agreement stands proved, but the trial Court erred in dismissing the plaintiff's suit as much as not directing to refund the amount to the plaintiff.
3. Counsel for the appellant submits that respondent No.1 has further sold the suit shop to respondent No.2.
4. Heard.
5. Admit.
6. Issue notice to respondents for hearing of appeal as also of stay application.
7. In the meanwhile, shop in question shall not be further sold to any third person.

(SUDESH BANSAL),J