

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 1763/2025

Lalaram Saini S/o Shri Polyaram & Ors.

----Appellants

Versus

Banwari Lal Saini S/o Polyaram Saini & Ors.

----Respondents

For Appellant(s) : Ms. Shobha Sharma for
Mr. Anil Kumar Jain

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

10/11/2025

1. Preliminary decree of partition, declaring 1/8th-1/8th share of the parties in the suit property, is under challenge in this first appeal.

2. Counsel for appellants states that the property which has been sold by the plaintiff, was also part of ancestral and parental property but the same has not been included in the partition.

Though, this Court does not find any counter-claim to this effect, by the defendants.

3. However, since the first appeal involves reconsideration of entire subject matter and requires to be considered on facts and law, Admit.

4. Issue notice for hearing of first appeal to respondents.

5. In respect of interim relief, it is hereby directed that if during pendency of this first appeal, final decree is passed by the trial Court, in furtherance to the impugned preliminary decree of

partition, same shall remain subject to final outcome of this first appeal.

6. In that view, proceedings to prepare final decree may be continued and record need not be summoned.

(SUDESH BANSAL),J

Sachin/Z