

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5078/2025

Peer Ghulam Naseer

----Appellant

Versus

Ishtiyag Ahmed Son Of Ghulam Moinuddin

----Respondent

For Appellant(s)	:	Mr. Amit Singh Shekhawat
For Respondent(s)	:	Mr. J.P. Goyal, Sr. Advocate Ms. Jyoti Swami Mr. Aditya Matolia

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

20/01/2026

1. A preliminary objection has been raised by the learned counsel for the respondents that when a suit is rejected under Order VII Rule 11 CPC, and in the first appeal the decree is set aside, it would not amount to a remand under the provisions of Order XLI Rules 22, 23, 23A, 24, or 25 CPC, but would simply amount to setting aside the decree, and against such a judgment, only a second appeal would lie.
2. Considering the same, both the parties are directed to address this Court on the said issue on the next date of hearing.
3. Interim order, if any, shall continue till the next date of hearing.
4. List this matter on 09.02.2026.

(BIPIN GUPTA),J