



2026:RJ-JP:26040

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
राजस्थान उच्च न्यायालय

S.B. Civil Miscellaneous Appeal No. 5300/2024

Valeed Yusuf S/o Rasheed Yusuf,

-----Appellant

Versus

Akeel Yusuf S/o Late Mohammad Yusuf,

-----Respondent

For Appellant(s) : Mr. Fahad Hasan

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

04/02/2025

1. Aggrieved from dismissal of TI application no. 36/2023 by learned District Judge, Tonk on 16.11.2024 instant civil misc. appeal is preferred by appellant plaintiff.
2. Learned counsel for appellant submits that as per averment made in the plaint the properties in question were never divided between the co-sharers/legal heirs of Mohammad Yusuf Siddiqui and same remained undivided till date. He further submits that the trial court has committed serious error while considering the fact of oral Hiba in 1962 and giving effect to Hiba on 12.02.1971. He further submits that the sons were minor in the year 1962 and no legal guardian has accepted the Hiba, a condition precedent to giving effect to Hiba. He further submitted that the in the year 2023 some of the occupant have tried to transfer the property which prompted the plaintiff to file the instant civil suit and in case the rights of plaintiff were not protected the purpose of filing civil suit will frustrate.



3. Having considered aforesaid, issue notice to respondent nos. 1 to 15. Additional set be issued through registered speed post.
4. Call for record relating to TI application.
5. Considered stay application for ad-interim stay.
6. The respondent nos. 1 to 15 are restrained from alienation/transfer of suit property till next date of hearing.
7. List on 17.03.2025.

(ASHOK KUMAR JAIN),J