

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 540/2024

Ram Sahai S/o Matoli,
-----Appellant

Versus

Ramkaran S/o Bhorya,
-----Respondent

For Appellant(s) : Mr. Umesh Shringi
For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/03/2025

1. Aggrieved from dismissal of Civil Suit No.25/2012 on 20.02.2018 and affirmation in Civil Regular Appeal No.132/2021 (24/2018) on 29.08.2024 by learned Additional District Judge No.2, Gangapurcity, District Sawai Madhopur, instant second appeal is preferred by appellant-plaintiff.
2. Having considered the submission advanced by learned counsel for appellant and also the grounds as raised by him, particularly in light of the fact that the plaintiff has asserted that at the time of execution of agreement to sell (Ex.1), the possession of suit property was delivered to the plaintiff and since then he is continuing in possession whereas, the defendant No.1 has failed to produce any evidence on record, therefore, it is appropriate to issue notice to respondent No.1 on substantial question of law as proposed in Para "J" of memo of appeal.
3. Issue notice to respondent No.1.
4. Additional set be issued through registered speed post.

5. Service upon respondent Nos.2 to 4 is dispensed with at the request of learned counsel for appellant.
6. Considered stay application, the respondent is restrained from alienating the suit property till next date of hearing.
7. List on 28.04.2024.

(ASHOK KUMAR JAIN),J