

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 1943/2025

Lalsingh Jat S/o Shri Laxminarayan Jat

----Appellant

Versus

Mohansingh S/o Shri Laxminarayan, & Ors.

----Respondents

For Appellant(s)	:	Mr. Sunil Rewar
For Respondent(s)	:	Mr. Ajatshatru Mina

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

17/03/2026

1. The present first appeal has been filed by the appellant assailing the judgment and decree dated 04.09.2025 passed by the learned Additional District Judge, Court No.1, Jaipur Metropolitan-II, in Civil Suit Nos.43/2018 (453/2011) & 88/2017 (522/2017), whereby the suit filed by the appellant for partition, mesne profit and permanent injunction, was rejected and at the same time, the suit for possession filed by the legal representatives of respondent No.1- Mohan Singh

2. Learned counsel for the appellant submits that the learned Court below seriously erred in not appreciating the fact that Plot No.70 ('disputed plot') was purchased by respondent No.4- Laxminarayan in the name of respondent No.1- Mohan Singh. He further submits that prior to filing of the suit, a family settlement dated 27.05.1991 was also executed between the parties but the said settlement has not been read in evidence contrary to settled law. He also submits that while dismissing the suit for partition,

the learned Court below has passed a decree of possession while treating the appellant to be licensee of the disputed plot. He lastly submits that there are questions of fact and law involved in the present first appeal and the findings of the learned Court below in the impugned judgment and decree are unsustainable in the eye of law.

3. *Per contra*, learned counsel for the respondents vehemently opposes the said submissions and submits that in the absence of any relief sought for declaration in the suit filed by the appellant, the appellant estopped from raising such pleas in the present appeal. He further submits that the learned Court below has rightly held the possession of the appellant to be permissive possession i.e. licensee, which has been duly revoked, and there is no perversity or legal infirmity in the impugned judgment and decree dated 04.09.2025 warranting any interference by this Court.

4. Heard.

5. Since the questions of fact and law are involved in the present appeal. The matter requires consideration.

6. Admit.

7. Let record of the Court below be summoned.

8. Mr. Ajatshatru Mina, learned counsel accepts notice on behalf of respondent Nos.1/1 to 1/4. Thus, service upon respondent Nos.1/1 to 1/4 is complete. Notice need not be issued to respondent Nos.1/1 to 1/4.

9. In view of the above, issue notice to the respondent Nos.2, 3 and LRs of respondent No.4 only, returnable within eight weeks.

10. Requisites PF and notices may be filed within a period of one week.

11. In the meanwhile, parties are directed to maintain status quo in respect of the disputed Plot No.70.

12. However, the respondents shall be at liberty to move an appropriate application for fixing the mesne profit.

(MANEESH SHARMA),J