

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 554/2024

Shakti Singh Son Of Late Shri Ompal Singh,

----Appellant

Versus

Manish Chandra Sharma Son Of Shri Ramesh Chandra Sharma,

----Respondent

For Appellant(s) : Mr. Maneesh Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

17/12/2024

1. Aggrieved from reversal finding recorded by learned Additional District Judge No.1, Jaipur Metro-II, Jaipur in civil appeal No. 05/2024 (80/2024) on 10.12.2024 by setting aside judgment and decree dated 30.08.2024 in civil suit No. 150/2012 passed by learned Additional Civil Judge, No.2, Jaipur Metro-II, Jaipur, instant S.B. Civil Second Appeal is preferred by appellant-defendant.

2. Learned counsel appearing for appellants submits that the appellants are in possession of the suit property since 1981 but on the basis of forged agreement to sale of 1997 executed by a person who already died on 10.06.1994 the plaintiff (respondent) has filed a suit for injunction, which was dismissed by the Trial Court but the counter-claim filed by the appellant-defendant was decreed on the ground that appellant-defendant were in possession of the suit property. The Appellate Court within a very short span of time has not only overturned the judgment and decree of the Trial Court but has directed for non-interference in

the possession of respondent-plaintiff whereas actual respondent-plaintiff is not in possession on suit property.

3. Having considered aforesaid and also the material placed on record there are sufficient grounds which gives rise to substantial question of law.
4. Issue notice to respondent-plaintiff on substantial question of law as proposed in para 9 of memo of appeal.
5. Additional set be issued through registered speed post.
6. Call for record.
7. In the meanwhile, the parties are directed to maintain status quo with regard to suit property till next date of hearing.
8. List this matter on 06.02.2025.

(ASHOK KUMAR JAIN),J