

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 559/2024

Smt. Santosh Sharma W/o Late Shyam Lal Sharma

----Appellant

Versus

Smt. Rampati Devi W/o Shri Shri Lalluram

-----Respondent

For Appellant(s) : Mr. Rajneesh Gupta

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

20/12/2024

1. Aggrieved from judgment dated 21.09.2024 in civil appeal No.06/2023 by learned Additional District Judge No.1, Jaipur Metro-I instant appeal is preferred by defendants on the ground that the suit preferred by respondent plaintiff was dismissed by learned trial court on 18.10.2023 but on an appeal, the appellate court has not only set aside the judgment and decree of the trial court but also has issued a decree for permanent and mandatory injunction directing the appellant to remove the alleged encroachment within a period of two months.

2. Having considered the submissions of learned counsel for appellant, a fact is also brought on record that Rampati has filed an appeal and same is pending before this court and same also relates to subject matter of present appeal.

3. After considering the submissions, it is appropriate to issue notice to respondent on substantial question of law as proposed in para No.12 of appeal.

4. Additional set be sent through registered speed post.



[CSA-559/2024]

5. Call for record.
6. Considered stay application.
7. The trial court is restrained from execution of decree for mandatory injunction till next date of hearing.
8. List on 17.01.2025.

(ASHOK KUMAR JAIN),J

PREETI VALECHA /107