

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 13/2026
CNR: RJHC021093712025 | URN: CFA / 19U / 2026

Manak Chand Sharma S/o Shri Gourilal Sharma

----Appellant

Versus

Smt. Suman Devi W/o Late Shri Sitaram Sharma, & Anr.

----Respondents

For Appellant(s)	:	Mr. Dhruv Tailor
For Respondent(s)	:	Mr. Akshat Chaturvedi Mr. Ganesh Dutt Gautam

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

13/08/2026

1. The present civil first appeal has been filed by the plaintiff/appellant assailing the judgment and decree dated 15.11.2025, whereby the suit for specific performance was dismissed.
2. Learned counsel for the appellant submits that the learned Court below erred in not considering the pleadings and evidence of the parties while dismissing the suit. He, therefore, submits that the impugned judgment and decree are liable to be set aside, and prays that an interim injunction be passed restraining the respondents from selling or alienating the suit property.
3. Per contra, the learned counsel for the respondents opposes the said submissions and supports the impugned judgment and decree.
4. Heard.
5. Since the respondents are duly represented by their learned counsel, service is complete, and notices need not be issued.

6. Having regard to the contentions raised by the parties, the matter requires consideration.

7. Admit.

In Stay Application No.37/2026:

1. It is evident from the record that the suit property was already alienated by *Smt. Jhamko Devi* in favour of the present respondents in the year 1998, whereas the present suit for specific performance of the alleged agreement dated 24.06.1994 was instituted after a prolonged delay of 19 years.

2. Furthermore, it is reflected from Exhibit A-4 that a previous suit instituted by the plaintiff, bearing No. 248/1995, was rejected by the learned Trial Court, and no appeal was preferred against the said decision.

3. Considering the aforesaid facts and circumstances, I do not deem it appropriate to grant the interim relief as prayed for by the learned counsel for the appellant in the stay application.

4. Accordingly, the Stay Application No.37/2026 is hereby rejected.

5. However, it is made clear that any alienation of the suit property made by the respondents during the pendency of this appeal shall be subject to the final outcome of the present appeal, and shall be governed by the provisions of Section 52 of the Transfer of Property Act, 1882.

(MANEESH SHARMA),J