

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 33/2026

Shankarlal @ Shyamlal Goyal, Son Of Chiranji Lal & Ors.

-----Petitioners

Versus

Virendra Goyal, Son Of Shankarlal @ Shyamlal & Ors.

-----Respondents

For Petitioner(s) : Mr. L. L. Gupta with
Ms. Pratibha Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

10/03/2026

1. The present revision petition has been filed by the petitioners, assailing the impugned order dated 26.11.2025 in Civil Suit No.1/2024 titled as '*Virendra Goyal & Ors. Vs. Shankarlal & Ors.*', passed by the learned Additional District & Sessions Judge, Camp Court Deoli, Tonk, Rajasthan, whereby the application filed by the defendants/petitioners under Order 7 Rule 11 of Code of Civil Procedure, 1908 (CPC), was rejected.

2. Learned counsel for the petitioners submits that the learned Court below seriously erred in passing the impugned order dated 26.11.2025, while overlooking the averments in the plaint, wherein, the plaintiff himself admits that after the death of *Chiranji Lal*, the properties alleged to be HUF properties were partitioned between the brothers (*Shankarlal* and *Babu Lal*), and once partition has taken place, the portion of the property in the hands of *Shankarlal* becomes his separate/self-acquired property and does not remain ancestral property *vis-a-vis* his sons. He

further submits that the plaintiff is claiming his share in the property inherited by his father, who is still alive. Therefore, the present suit is not maintainable for want of a valid cause of action.

3. In order to buttress his submissions, learned counsel for the petitioners relied upon a judgment passed by the High Court of Delhi in the matter of ***Surendra Kumar Vs. Dhani Ram & Ors.***¹ and two judgments passed by a Coordinate Bench of this Court in the matters of ***Amar Saxena & Ors. Vs. Mr. Aashray Saxena***² and ***Arvind Kumar Bajoria Vs. Kartik Bajoria & Anr.***³.

4. Heard.

5. In view of the submissions made hereinabove, issue notice to the respondents.

6. Notices be filed in two sets and upon filing the same, one set be sent by ordinary post and another by registered post, returnable within six weeks.

7. List this matter after six weeks.

(MANEESH SHARMA),J

Seema/7

1 AIR 2016 Delhi 120

2 S.B. Civil Revision Petition No.15/2018, dated 16.05.2024

3 S.B. Civil Revision Petition No.99/2022, dated 09.05.2025