HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2173/2026
URN: CMA / 3687U / 2026

Ravi S/o Shri Mahaveer Prasad, R/o D-114, Indira Nagar, Jhunjhunu, Tehsil And District Jhunjhunu.

----Appellant

Versus

1. Iqbal S/o Shri Kasam Khan, R/o Near Gudha Phatak, Ward No. 23, Moyal Colony, Jhunjhunu, Tehsil And District Jhunjhunu- First Address. R/o New Shyam Nagar Tankiwali Colony, Gudha Road, Jhunjhunu, Tehsil And District Jhunjhunu (Rajasthan) Second Address.
2. Farook Ali S/o Shri Iqbal, R/o Near Gudha Phatak, Ward No. 23, Moyal Colony, Jhunjhunu, Tehsil And District Jhunjhunu- First Address. R/o New Shyam Nagar Tankiwali Colony, Gudha Road, Jhunjhunu, Tehsil And District Jhunjhunu (Rajasthan) Second Address.
3. Manwar Ali S/o Ajim Khan, R/o Mohalla Batwalan, Jhunjhunu, Tehsil And District Jhunjhunu.
4. Khadim S/o Shri Salauddin, R/o Near Gudha Phatak, Jhunjhunu, Tehsil And District Jhunjhunu.
5. Akhtar Ali S/o Shri Jumma Khan, R/o Near Star Academy, Bakra Road, Jhunjhunu, Tehsil And District Jhunjhunu.

----Respondents

For Appellant(s)	:	Mr. Abhishek Bhardwaj Mr. Pawan Kumar Verma Mr. Kuldeep Sharma
For Respondent(s)	:	Mr. MS Saharan

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

10/07/2026

1. Heard counsel for appellant-plaintiff and counsel appearing on behalf of respondent No.2.

2. Appellant-plaintiff has preferred this miscellaneous appeal under Order 43 Rule 1 (r) CPC against the order dated 18.03.2026

passed by Additional District Judge No.2 Jhunjhunu on his application under Order 39 Rule 1 & 2 CPC in following terms:

> "अतः मूल वाद के गुणावगुण पर कोई मत व्यक्त किये बिना प्रार्थीगण की ओर से प्रस्तुत प्रार्थना पत्र बाबत अस्थायी निषेधाज्ञा विरूद्ध अप्रार्थीगण स्वीकार किया जाकर अप्रार्थीगण को इस आशय की निषेधाज्ञा से पाबंद किया जाता है कि अप्रार्थीगण प्रार्थना पत्र में वर्णित भूमि में से फर्म गोल्डन सिटी को दिनांक 27.09.2025 को विक्रय की गई भूमि खसरा नंबर 3667, 3668, कुल किता 2 कुल रकबा 0.9400 हैक्टेयर, खसरा नंबर 5234/3654 की 1.23 हैक्टेयर भूमि को छोड़कर शेष भूमि के संबंध में मौके व रिकार्ड की स्थिति को मूल वाद के अंतिम निस्ताारण तक यथावत बनाए रखें।"

3. Counsel for appellant-plaintiff does not dispute that as far as respondents-defendants No.1 & 2 are concerned, they have been injuncted by the trial Court and in respect of the property, sold to Firm-Golden City through registered sale deed dated 27.09.2025, prior to filing of the present civil suit dated 08.10.2025, an application for carrying out amendment in the plaint and separate application for injunction shall be filed, seeking relief against the Firm-Golden City.

4. In that view of the matter, without interference to the impugned order, permission to withdraw the present appeal is granted.

5. Accordingly, instant appeal is dismissed as withdrawn with liberty to appellant to take appropriate remedy against the Firm-Golden City, the subsequent buyer of the part of suit property, as permissible in law.

6. All pending application(s), if any, stand(s) disposed of.

(SUDESH BANSAL),J

25/RONAK JAIMAN