HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18768/2026
CNR: RJHC020882552026 | URN: CW / 38972U / 2026

Mukesh Son Of Shri Ramchandra, Aged About 43 Years, Resident Of Village- Bithloda, Tehsil-Kotputli, District-Kotputli-Behrod, Rajasthan.

----Petitioner

Versus

1. Devendra Yadav S/o Shri Mangal Yadav, Resident Of Village- Bithloda, Tehsil-Kotputli, District-Kotputli-Behrod, Rajasthan.
2. Rajasthan Government, Through Tehsildar Mahoday, Tehsil-Kotputli, District- Kotputli-Behror,rajasthan.
3. Sub-Registrar Mahoday, Tehsildar Mahoday, Tehsil-Kotputli, District- Kotputli-Behror,rajasthan.
4. Shriman Ziladhish Mahoday, District Kotputli-Behrod,rajasthan.
5. Mahaveer, Son Of Hajari
6. Mangal, Son Of Hajari
7. Anil Son Of Ramchandra,
   All Are Resident Of Resident Of Village- Bithloda, Tehsil-Paota, District-Kotputli-Behrod, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Rajendra Prasad Yadav

HON'BLE MR. JUSTICE ANAND SHARMA
Order

30/10/2026

1. The instant writ petition has been filed by the petitioner assailing order dated 05.08.2026 passed by the District & Sessions Judge, Kotputli, in Civil Suit No.46/2025, whereby application filed by the petitioner for summoning the record of bank statements of defendants has been rejected.

2. Learned counsel for the petitioner submits that petitioner has filed suit for cancellation of sale deed on the ground that although in sale deed, it has been mentioned that the defendant has paid the sale consideration, yet no sale consideration whatsoever was received by the petitioner-plaintiff.

3. Learned counsel for the petitioner further submits that since in the sale deed, there is a reference of payment of sale

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consideration through cheque number mentioned in the sale deed, therefore, it would be in the interest of justice to summon the details of bank statement of the defendant so as to prove the fact as to whether pursuant to cheque, consideration was passed on to the plaintiff or not.

4. Heard and considered.

5. Bare perusal of order dated 05.08.2026 would reveal that it has been given by defendant No.1 during the arguments of the application that the sale consideration was agreed to be passed on in cash and not through cheque and, therefore, the defendant had paid sale consideration in cash.

6. Under these circumstances, where defendant No.1 has never claimed that he had paid sale consideration through cheque, no fruitful purpose is going to be served by summoning the bank statements of defendant No.1.

7. As regards, question of proof of payment of sale consideration through cash, since burden lies upon the person who has made such statement, and not upon the petitioner, the application filed by the petitioner for summoning the banks record is totally misconceived and has rightly been dismissed by the learned trial Court.

8. In view of above, where there is no apparent illegality or perversity in order dated 05.08.2026, no interference is called for and the writ petition filed by the petitioner is hereby dismissed.

9. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J

55/DAKSH