HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21416/2026
CNR: RJHC020974512026 | URN: CW / 44972U / 2026

1. Shri Gheesa Son of Karna,
2. Shri Mukesh Son of Gheesa,
3. Smt. Mathra Wife of Gheesa,
4. Shri Gopal Son of Ladu,
   All Resident of Sadapur, Tehsil Sarwar, District Ajmer (Raj.)

----Petitioners/Appellants/Defendents

Versus

Shri Jagdish Son of Gopal, Resident of Sadapur, Tehsil Sarwar, District Ajmer (Raj.)

----Respondent/Non-Appellant/plaintiff

For Petitioner(s) : Mr. Vikash Kumar Jakhar
For Respondent(s) :

HON'BLE MR. JUSTICE ANAND SHARMA

Order

27/10/2026

1. By way of filing this writ petition, petitioners have challenged order dated 08.07.2026 passed by Additional District Judge No.1, Kekri, District Ajmer, whereby miscellaneous appeal filed by the petitioners against the order dated 05.07.2025 passed by Civil Judge, Sarwar, District Ajmer, while granting temporary injunction in favour of the respondent-plaintiff, has been dismissed.

2. Learned counsel for the petitioners submits that trial Court as well as the Appellate Court has utterly failed to point out the fact that the plaintiff had alternative way to approach his land and property, yet ignoring the alternative way, by way of

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temporary injunction, right of way has been created through the land of the petitioners, which is causing irreparable injury to the petitioners-defendants. It is submitted that even at the stage of grant of temporary injunction, the trial Court as well as the Appellate Court are required to examine the *prima facie* case on the basis of material on record, yet both the Courts below have utterly failed to exercise their jurisdiction properly and perverse finding have been given while allowing the application for temporary injunction in favour of the respondent-plaintiff.

3. Heard learned counsel for the petitioners and perused the record.

4. This Court finds that the trial Court while passing order dated 05.07.2025 has meticulously examined *prima facie* case, balance of inconvenience and irreparable injury and after analysis of all the aforesaid points, temporary injunction has been granted vide order dated 05.07.2025 which has been affirmed by the Appellate Court vide order dated 08.07.2026.

5. It is settled proposition of law that jurisdiction of this Court under Article 226 of the Constitution of India is not supposed to substitute the finding given by the courts below and any interference can be made only in the cases where any apparent illegality or perversity is reflected from bare perusal of the orders passed by the courts below. In the instant case, the petitioners has utterly failed to point out violation of any statutory law or any apparent illegality in the impugned orders. The courts below have given concurrent findings on facts while passing the impugned orders. The issue with regard to availability of

alternative way can be examined by the trial Court while deciding the main suit after appreciation of evidence, if any, on record.

6. In view of above, there is no scope of interference in the instant writ petition, same is hereby dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(ANAND SHARMA),J

D-A/5/NEERU