HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21526/2026
CNR: RJHC021028282026 | URN: CW / 45208U / 2026

1. Haji Mohammed Sadik S/o Late Mukhtar Ahmed, R/o House No. 54, Maniharo Ka Raasta, Chawkdi Modi Khana, Tripolia Bazar, Jaipur.
2. Zulfiqar Ali Khan S/o Late Mukhtar Ahmed, R/o House No. 557, Maniharo Ka Raasta, Chawkdi Modi Khana, Tripolia Bazar, Jaipur.
3. Anjuman Aara D/o Late Mukhtar Ahmed, W/o Mohammed Zayeek, R/o House No. 709, Chini Ki Burj, Gangori Bazar, Near Nadiron Ki Masjid, Jaipur.
4. Ismat Aara D/o Late Mukhtar Ahmed, W/o Mohammed Shanu, R/o House No. 709, Chini Ki Burj, Gangori Bazar, Near Nadiron Ki Masjid, Jaipur.

----Petitioners

Versus

1. Late Rehan Ahmed S/o Late Sultan Ahmed, (Since Deceased During Pendency of The Execution).

1/1. Ms. Sarfraz Rana W/o Late Rehan Ahmed, R/o House No. 57, Maniharo Ka Raasta, Chawkdi Modi Khana, Jaipur.

1/2. Ms. Nishant Rana D/o Late Rehan Ahmed, W/o Aslam Khan, R/o House No. 4713, Jaggannath Shah Ka Raasta, Shubash Chowk, Jaipur.

1/3. Ms. Nasreen Khan D/o Late Rehan Ahmed, W/o Mohaseen Khan, R/o 63/194, Pratap Nagar, Sanganer, Jaipur.

1/4. Ms. Kamini Rana D/o Late Rehan Ahmed, W/o Sabir Shakeel, R/o Hawel Circuit, Banigten, U.s.a.

1/5. Mr. Shan Rana S/o Late Rehan Ahmed, R/o House No. 57, Maniharo Ka Raasta, Chawkdi Modi Khana, Jaipur.

1/6. Ms. Christin Rana D/o Late Rehan Ahmed, W/o Ameen Sheikh, R/o Old Sanghvi, Pune, Maharashtra.

Decree Holders/Non-Applicants/Respondents

2. Late Gulam Mohiuddin Khan, S/o Late Baddudin Khan, (Since Deceased During Pendency Of The Execution).

2/1. General Tariq S/o Late Sayiddudin Khan, R/o House No. 57, Maniharo Ka Raasta, Chawkdi Modi Khana, Jaipur.

2/2. Ms. Jaahida Begam, W/o Late Hamiduddin Khan

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2/3. Late Moinuddin Khan, S/o Late Hamiduddin Khan
2/4. Shoebuddin Khan, S/o Late Hamuddin Khan
2/5. Ajijuddin Khan, S/o Late Hamuddin Khan
2/6. Ms. Kanij Aysha, D/o Late Hamuddin Khan.
2/7. Ms. Kanij Fatma D/o Late Hamuddin Khan,
All Residents Of Rampur, Gher Abdul Rehman Khan Ali, Aatishbajan, Utter Pradesh.

Judgment Debtor/Non-Applicant/Respondents

3. Late Sayiduddin Khan S/o Late Baddudin Khan, (The Name Of The Respondent Has Been Deleted By The Honble Executing Court Order Dated 08.02.1999).

4. Ahsaan Ahmed S/o Late Sulan Ahmed, R/o Chokdisarhad, Jaipur.

----Performa Respondent/Non-Applicant

For Petitioner(s) : Mr. Arjun Bhaskar
For Respondent(s) :

HON'BLE MR. JUSTICE ANAND SHARMA

Order

27/10/2026

1. By way of filing this writ petition, the petitioners have challenged order dated 06.10.2026 passed by Additional District Judge No.1, Jaipur Metro-1, Jaipur, whereby application under Order 6 Rule 17 read with Section 151 CPC filed by the petitioners-objectors in execution petition has been rejected.

2. It is stated that one decree dated 09.05.1979 was passed in Civil Suit No.13/1672 for specific performance of an agreement to sale executed on 04.10.1967. Learned counsel for the petitioners submits that petitioners were Will holder of the erstwhile owner of the property however, they were not impleaded

as party to the suit and were not aware about the decree passed by the Civil Court.

2. It is stated that the petitioners could learn about the decree only in the year 2026 and thereupon, they filed an objection petition in the execution application No.12/1986 which was filed for executing the decree dated 09.05.1979.

3. It is stated that as the petitioners were not possessing the relevant record of the trial Court and different orders/documents were placed before the trial Court therefore, during the pendency of their objection petition, an application under Order 6 Rule 17 read with Section 151 CPC was filed praying for permitting amendment to the petitioners in their objection petition however, the same has been rejected by the Executing Court.

4. Learned counsel for the petitioners submits that order dated 06.10.2026 has been passed by the Executing Court without properly appreciating the pleadings of the application, material on record and law prevailing at the relevant time ad rejection of the application under Order 6 Rule 17 CPC is causing grave prejudice and miscarriage of justice to the petitioners.

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

6. This Court finds that earlier, the petitioners filed S.B. CWP No. 17609/2026, in which Co-ordinate Bench of this Court while disposing of the writ petition vide order dated 18.09.2026 directed the Executing Court to dispose of the objection petition of the petitioner within a period of 10 weeks from the date of receipt of certified copy of order dated 18.09.2026. Apparently, no liberty

was sought by the petitioners from this Court for filing any application for amendment, nor any such liberty was granted by this Court while passing order dated 18.09.2026.

7. Even otherwise, filing an application for amending the objection application after lapse of more than 46 years from the date on which decree has been passed is nothing but sheer misuse of the process of court. Even otherwise, each and every proposed amendment has been duly examined by the trial Court and thereafter finding has been given that the details of acquiring knowledge of facts of proposed amendment is totally vague and incomplete, nor is relevant for the adjudication of the dispute. Apparently, the application has been filed by the petitioners in malafide manner in order to delay the execution proceedings despite, clear cut directions given by Co-ordinate Bench of this Court in S.B. CWP No.17609/2026.

8. In view of above, this writ petition is nothing but to defeat the earlier direction given by this Court in S.B. CWP No.17609/2026 hence, this Court deems it just and proper to dismiss the writ petition with cost of Rs.25000/-, which is required to be deposited within a period of two weeks from today in the office of Rajasthan High Court Bar Association, Jaipur, and receipt thereof shall be filed before the Executing Court on or before the next date of hearing.

9. The writ petition is dismissed, accordingly.

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

(ANAND SHARMA),J

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