

**(2023) 12 RAJ CK 0048**

**In the Rajasthan High Court**

**Case No :** Civil Miscellaneous Appeal No. 1167 Of 2022

Lalita Sharma And Others

APPELLANT

Vs

Naveen Sharma And Others

RESPONDENT

**Date of Decision :** 12-12-2023

**Acts Referred:**

Code Of Civil Procedure, 1908 — Section 151, Order 39 Rule 1, Order 39 Rule 2

**Citation :** (2023) 12 RAJ CK 0048

**Hon'ble Judges :** Rekha Borana, J

**Bench :** Single Bench

**Advocate :** Narendra Thanvi, Mahendra Thanvi, R.S. Mankad

**Final Decision :** Dismissed

## Judgement

Rekha Borana, J

1. The present appeal has been preferred against the order dated 03.12.2021 passed by Additional District Judge No.7, Jodhpur Metropolitan in Civil Misc. Case No.23/2021 whereby the application under Order 39 Rules 1 & 2 read with Section 151, CPC as preferred by the plaintiffs and the counter temporary injunction application under Order 39 Rules 1 & 2 as preferred by the defendants, both have been allowed.

2. Vide the order impugned, the learned Court below while allowing both the application of the plaintiffs as well as the counter application of the defendants, directed them to maintain status quo regarding the property in question till the final disposal of the suit. Further, they have been directed not to make any material alteration in the property in question. However, they have been granted liberty to make the essential repairs etc.

3. A bare perusal of the order impugned makes it clear that it was admitted by both the parties before the Court below that both plaintiffs and the defendants were in possession of the property. Further, they being the close relatives and the suit being that for partition of the property, the Court concluded that if during

the pendency of the present suit, the property is alienated/transferred or any material alteration is made in the property, the same would affect the rights of both plaintiffs and the defendants.

4. In the specific opinion of this Court, the said conclusion is totally in consonance with law and in the pragmatic approach qua the dispute in question. This Court does not find any ground to interfere with the order impugned and the present appeal is hence, dismissed.

5. Stay petition and all pending applications, if any, stand disposed of.