

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 15551/2017

Jaswant S/o Shri Prabhati Lal, aged about 50 years, Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.

----Defendant-Petitioner

Versus

1. Sahiram @ Satyaveer S/o Shri Prabhati Lal, aged about 74 years, Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.  
----Plaintiff-respondent
2. Ramchandra S/o Shri Prabhati Lal, aged about 78 years, Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
3. Dilip S/o Shri Prabhati Lal, aged about 54 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
4. Ved Prakash S/o Shri Prabhati Lal, aged about 64 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
5. Lali Devi W/o Shri Ram Singh Daughter-In-Law Of Shri Prabhati Lal, aged about 58 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
6. Nawal Singh S/o Shri Ram Singh Grandson Of Shri Prabhati Lal, aged about 42 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
7. Daya Singh @ Dara Singh Grandson Of Shri Prabhati Lal, aged about 36 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
8. Ishwar S/o Shri Kurda Ram, aged about 52 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
9. Ravidutt S/o Shri Kurda Ram, aged about 48 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
10. Yaswant S/o Shri Ishwar, aged about 30 years, Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
11. Rakesh S/o Shri Ishwar, aged about 27 years, Resident Of



Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.

12. Omveer S/o Shri Ravidutt, aged about 26 years, Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
13. Vikas S/o Shri Jaswant, aged about 26 years Resident Of Village Biranwas, Tehsil Neemrana, District Alwar, Rajasthan.
14. Sub-Registrar, Mandhan, Tehsil Neemrana, District Alwar, Rajasthan.

----Defendants/Respondents

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For Petitioner(s) : Mr. Sunil Kumar Yadav with  
Mr. S.K. Lamba

For Respondent(s) : Mr. M.S. Saharan with  
Mr. Hitesh Kumar

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**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL**

**Judgment**

**31/01/2023**

This writ petition under Article 227 of the Constitution of India is directed against the order dated 11.07.2017 passed by the learned Additional District Judge, Behror, District Alwar (for brevity, "the learned trial Court") whereby, an application filed by the petitioner-defendant No.4 (for brevity, "petitioner") under Order 11 Rules 14 & 15 read with Section 151 CPC has been dismissed.

The relevant facts in brief are that the respondent No.1/plaintiff (for brevity, "plaintiff") filed a suit for partition and permanent injunction against the petitioner and the respondents No. 2 to 14. During its pendency, the petitioner filed an application under Order 11 Rules 14 & 15 read with Section 151 CPC which



has been dismissed by the learned trial Court vide its order dated 11.07.2017, impugned herein.

Assailing the order, learned counsel for the petitioner submits that the plaintiff has already sold his share in the property in favour of Shri Ram Singh, husband of the defendant No.5 and father of the defendants No.6 & 7, who have already filed another suit and hence, the present suit is not maintainable. He, therefore, prays that the writ petition be allowed, the order impugned dated 11.07.2017 be quashed and set aside and the application filed by him be allowed.

Per contra, learned counsel for the plaintiff opposed the prayer.

Heard. Considered.

Vide order impugned dated 11.07.2017, the learned trial Court has dismissed the application filed by the petitioner on account that no reason has been assigned in it for delay in preferring the same. It has also been observed that a request for exhibiting the subject document in evidence has already been declined by it. This Court, after going through the contents of the application filed by the petitioner under Order 11 Rules 14 & 15 read with Section 151 CPC concurs with the finding arrived at by the learned trial Court inasmuch as it neither reflects any reason for delay in filing it nor, it shows as to how the document in question is relevant for disposal of the controversy involved in the matter. When asked specifically, learned counsel for the petitioner admits that there is no averment in his written statement with regard to the subject document. It is trite law that it is

impermissible for a party to lead any evidence beyond his pleading.

In view thereof, this Court finds no reason to interfere with the order dated 11.07.2017 passed by the learned trial Court in exercise of its judicious discretion.

This writ petition is dismissed accordingly.

(MAHENDAR KUMAR GOYAL),J

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