

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil First Appeal No. 108/1997

Hari Prasad

----Appellant

Versus

Manohar Lal And Ors

----Respondents

For Appellant(s)	:	Mr. Narendra Godara for Mr. Suresh Shrimali
For Respondent(s)	:	Mr. Pradeep Choudhary

HON'BLE MS. JUSTICE REKHA BORANA

Order

28/03/2026

1. An application under Order 22 Rule 3, CPC for deletion of name of appellant No.1 Smt. Kalo Bai has been filed with an averment that she has expired on 21.11.2002 and her legal representatives are already on record.
2. In view of the submission made in the application, the same is **allowed**. The name of appellant No.1 is permitted to be deleted from the array of appellants.
3. An application under Order 22 Rule 4, CPC for deletion of name of respondent No.7 Smt. Kishni Bai has also been filed with an averment that she has expired on 23.10.2023 and her legal representatives are already on record as respondent Nos.2, 4 & 6.
4. In view of the submission made in the application, the same is **allowed**. The name of respondent No.7 is permitted to be deleted from the array of respondents.
5. An application under Order 22 Rule 4, CPC has also been filed for substitution of the legal representatives of respondent

No.1 Manohar Lal, respondent No.3 Khubi Lal & respondent No.5 Babu Lal who are reported to have expired on 19.05.2017, 14.05.2019 & 29.10.2020 respectively.

6. In view of the submission made in the application, the same is **allowed**. The legal representatives of respondent Nos.1, 3 & 5 are permitted to be taken on record.

7. Applications under Order 22 Rule 9, CPC for setting aside the abatement and under Section 5 of the Limitation Act seeking condonation of delay in filing applications under Order 22 Rule 3, 4 & 9, CPC have also been filed.

8. For the reasons stated in the application under Order 22 Rule 9, CPC and under Section 5 of the Limitation Act, the same are **allowed**. The delay caused in filing the applications under Order 22 Rule 3, 4 & 9, CPC is condoned. Abatement qua respondent Nos.1, 3 & 5, if any, is set aside.

9. Let the amended cause title be filed within a period of one week.

10. Office to make online amendments thereafter.

(REKHA BORANA),J