

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 2328/2020

Gopi Krishna Bhawsingka S/o Late Baij Nath, Aged About 89 Years, By Caste Agarwal (Bhawsingka), Resident Of Bhawsingka - Ki - Haveli, Sabji Mandi Road, Churu, District Churu. At Present Residing At 97-A, Suren, Sarkar Raod, Kolkata (W.b.) 700 010.

----Petitioner

Versus

1. Bal Krishna S/o Late Deshbhakt Bhawsingka, Churu, District Churu. At Present Residing At Bima Abasah Complex, Block-D, Flat No.d-4/1, 594/1, Dakshindari Road, Kolkata (W.b.)-48.
2. Harish Kumar S/o Late Deshbhakt Bhawsingka, Churu, District Churu. At Present Residing At Bima Abasah Complex, Block - D, Flat No.d-4/1, 594/1 - Dakshindari Road, Kolkata (W.b.)-48.
3. Lrs Of Late Radha Krishna Bhawsingka, S/o Late Baij Nath, Through-
4. Registrar (Stamp), District Collector, Churu.
5. Sub Registrar (Stamp), Churu.
6. Arvind Kumar Bhawsingka S/o Late Radha Krishna Bhawsingka, By Caste Agarwal, Resident Of Metro Heights, 114 Dr. L.m. Bhattacharya Road, 14, Talk Flat No.14-B, Post Entally, Kolkata (W.b.) 700014.
7. Soma Poddar D/o Late Radha Krishna Bhawsingka, By Caste Agrawal, Resident Of Shri Shyam Krishnanibas H/1/24/1, S.I. Sarani, Baguaihati, Jora Mandir, Near Gkb Optical Lane, Kolkata - 700 059.
8. Madhu Parasrampuriah D/o Late Radha Krishna Bhawsingka, By Cast Agarwal, Resident Of 71/3, Canal Circular Road, Kolkata - 700 054.
9. Suchita Poddar D/o Late Radha Krishna Bhawsingka, By Caste Agarwal, Resident Of Gc-28, Narayan Tola (West), First Floor, Kolkata (W.b.) - 700059.

----Respondents

For Petitioner(s) : Mr. Shambhoo Singh
For Respondent(s) :

HON'BLE MR. JUSTICE ARUN BHANSALI**Order****20/02/2020**

It is submitted by learned counsel for the petitioner that looking to the age of the plaintiff, who is claimed to be aged 88 years, the rejection of application for recording his statement on commission is not justified, inasmuch as, the petitioner though had not filed any document in support of the application, has subsequently produced certain documents on record, by which, it is claimed that the plaintiff is indeed old aged and indisposed.

In view of the above circumstances, issue notice. Issue notice of stay application as well. Both the notices are made returnable within a period of four weeks.

Notices when issued be given 'dasti' to counsel for the petitioner.

In the meanwhile, the trial court exercising its powers under Order XVIII, Rule 3A CPC would permit the witnesses other than the plaintiff to be examined on behalf of the plaintiff.

(ARUN BHANSALI),J

321-AK Chouhan/-

सत्यमेव जयते