

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

S.B. Civil Writ Petition No. 3212/2026

1. Lrs Of Maru Khan, S/o Bhavru Khan
2. Rahmat Bano W/o Maru Khan, Aged About 65 Years, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
3. Barkat Bano D/o Maru Khan, Aged About 49 Years, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
4. Dhuli Bano D/o Maru Khan, Aged About 48 Years, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
5. Imrat Khan S/o Late Shri Maru Khan, Aged About 31 Years, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.
6. Aslam Khan S/o Late Shri Maru Khan, Aged About 29 Years, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.
7. Riaz Khan S/o Late Shri Maru Khan, Aged About 46 Years, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.

----Petitioners

Versus

1. Lrs Of Hasam Khan, Son Of Kayamkho
2. Jangsher Khan S/o Hasam Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
3. Javed Khan S/o Hasam Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
4. Shahid Khan S/o Hasam Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
5. Bulli Bano W/o Habib Khan, Resident Of Rohina, Tehsil Jayal, Nagaur.
6. Anand Kanwar D/o Hasam Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
7. Amina Bano W/o Hasam Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
8. Mubarik S/o Maru Khan, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.
9. Ayub Khan S/o Maru Khan, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.
10. Darab Khan, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.
11. Lrs Of Faizu Khan, S/o Nazu Khan
12. Hidayat Khan S/o Faizu Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
13. Mulayam Khan S/o Faizu Khan, Resident Of Chawata

Kallan, Tehsil Jayal, District Nagaur.

14. Jannat Bano D/o Faizu Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
15. Chhoti Bano D/o Faizu Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
16. Begum Bano D/o Faizu Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
17. Liaqat Khan S/o Kayam Khan, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.
18. Rajat Khan S/o Kayam Khan, Resident Of Chawata Kallan, Tehsil Jayal, Nagaur.
19. Lrs Of Sajat Khan, S/o Kayam Khan
20. Nyamat Bano W/o Sajat Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
21. Zuber Khan S/o Sajat Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
22. Shaheen Bano D/o Sajat Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
23. Femida Bano D/o Sajat Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
24. Firdosh Bano D/o Sajat Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
25. Lrs Of Sher Khan, S/o Alam Khan
26. Rehmat Bano W/o Sher Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
27. Shaukat Khan S/o Sher Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
28. Baby Bano D/o Sher Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
29. Abida Bano D/o Sher Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
30. Lrs Of Bindal Khan, S/o Alam Khan
31. Mehboob Bano W/o Bindal Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
32. Maqsood Khan S/o Bindal Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
33. Sikandar Khan S/o Bindal Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
34. Saddam Khan S/o Bindal Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.

35. Shahnaz Bano D/o Bindal Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
36. Shamin Bano D/o Bindal Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
37. Daulat Khan S/o Alam Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
38. Lrs Of Munshi Khan, S/o Alam Khan
39. Chhoti Bano W/o Mushi Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
40. Asif Khan S/o Munshi Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
41. Afsana Bano D/o Mushi Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
42. Shahnaz Bano D/o Munshi Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
43. Nisha Bano D/o Munshi Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.
44. Jabdi Khan S/o Sannu Khan, Resident Of Chawata Kallan, Tehsil Jayal, District Nagaur.

-----Respondents

For Petitioner(s) : Mr. Vasu Dev Gaur
For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/02/2026

1. Learned counsel for the petitioners submits that the trial court acted without jurisdiction by allowing substitution of legal representatives without first setting aside statutory abatement under Order XXII Rules 4 and 9 of C.P.C. It is contended that once abatement occurs, substitution is impermissible unless abatement is set aside.

2. It is further submitted that despite recording a categorical finding that delay was not satisfactorily explained, the Court

lacked jurisdiction to condone the delay and the application ought to have been rejected.

3. The matter requires consideration.
4. Issue notice to respondent(s), returnable within six weeks.
5. In the meanwhile and till next date of hearing, further proceedings pending before learned Civil Judge, Jayal, District Nagaur in Civil Original Suit No.21/2010, shall remain stayed.
6. List after eight weeks.

(MUKESH RAJPUROHIT),J

223-mSingh/-