

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

S.B. Civil Writ Petition No. 3487/2026

1. Lrs Of Late Raichand, S/o Bharmal
2. Smt. Lichmaa W/o Late Raichand, Aged About 70 Years,
Residents Of Gajner Road, Chungi Chowki, Bikaner Raj.
3. Sharwan S/o Late Raichand, Aged About 51 Years,
Residents Of Gajner Road, Chungi Chowki, Bikaner Raj.

----Petitioners

Versus

1. Omaram S/o Chandaram, R/o Ranga Colony, Mohan
Nagar, Bikaner Raj.
2. Ajiz Ahamed, Advocate, Bikaner Raj.

----Respondents

For Petitioner(s)	:	Mr. Vijay Bishnoi
For Respondent(s)	:	

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/02/2026

It is contended by learned counsel for the petitioner that a suit for recovery was instituted by the petitioner - plaintiff, pursuant to which notices were issued by the trial Court and duly served upon the respondent - defendant. On 11.12.2014, local counsel representing the respondent - defendant appeared before the trial Court and sought sometime to file *vakalatnama* as well as written statement and thereafter, no one has put in appearance on behalf of respondent. Consequently, the suit came to be decreed in favour of the petitioner.

It is further submitted that during the pendency of the execution proceedings, the respondent preferred an application

under Order XXXVII Rule 4 of CPC after an inordinate delay of almost ten years. The trial Court, however, proceeded to consider and allow the said application and while setting aside judgment and decree, ordered to restore the suit to its original number.

The matter requires consideration.

Issue notice to the respondents, returnable within four weeks.

In the meantime and till next date, effect and operation of the impugned order dated 27.11.2025, passed by the Additional District Judge No.4, Bikaner in Case No.43/2025 (CIS No.333/2025) (Omaram Vs. LRs of Late Raichand & Anr.) shall remain stayed.

(MUKESH RAJPUROHIT),J