

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil First Appeal No. 264/2017

Lrs Of Hazarimal And Ors.

----Appellant

Versus

Devilal And Ors.

----Respondent

Connected With

S.B. Civil First Appeal No. 370/2017

Niranjan Kumar

----Appellant

Versus

Devi Lal And Ors.

----Respondent

For Appellant(s)	:	Mr. Alkesh Agrawal
For Respondent(s)	:	Mr. Surendra Surana Nos.1/1 to 1/4 Mr. Love Sanwal for Mr. Shreyansh Mardia, for respondent Nos.2 & 3. Mr. Suniel Purohit, for respondent No.5.

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

24/04/2025

Heard on application (I.A. No.1/22) under Order 22 Rule 4 & 9 read with Section 151 CPC, application (I.A. No.4/22) under Order 22 Rule 4 read with Section 151 CPC., application (I.A. No.3/22) under Order 22 Rule 3 read with Section 151 CPC and application (I.A. No.5/22) under Order 22 Rule 3 read with Section 151 CPC.

2. As per application (I.A.No.1/2022), respondent No.3 Balkishan passed away on 01.01.2022 leaving behind the legal representative as mentioned in para No.2 of the application.

Therefore, the name of the legal representatives may be substituted as party respondent Nos.3/1 to 3/7 in this appeal.

3. For the reasons mentioned in the application, the same is allowed.

4. Consequently, abatement of appeal against deceased is set aside and legal heirs of respondent No.3 Balkishan are substituted in his place to pursue the appeal.

5. As per application (I.A.No.4/2022), respondent No.2 Banwarilal passed away on 13.03.2022 leaving behind the legal representative as mentioned in para No.2 of the application. Therefore, the name of the legal representatives may be substituted as party respondent Nos.2/1 to 2/5 in this appeal.

6. For the reasons mentioned in the application, the same is allowed.

7. Consequently, the legal heirs of respondent No.2 Banwarilal are substituted in his place to pursue the appeal.

8. As per application (I.A.No.3/2022), appellant No.2 Babulal passed away on 14.02.2022 leaving behind the legal representatives as mentioned in para No.2 of the application. It is further averred in the application that since Babulal has executed a Will in favour of his son Premchand Agarwal, therefore, he alone may be substituted as party appellant in this appeal.

9. For the reasons mentioned in the application, the same is allowed.

10. Consequently, the legal heir - Premchand Agarwal is substituted in place of appellant - Babulal to pursue the appeal.

11. As per application (I.A.No.5/2022), appellant No.6 Ravindra passed away on 23.03.2022 leaving behind the legal representative as mentioned in para No.2 of the application. Therefore, the name of the legal representatives may be substituted as party appellants Nos.6/1 & 6/2 in this appeal.

12. Consequently, the legal heirs of appellant - Ravindra is substituted in his place to pursue the appeal.

13. The applications (I.A. No.1/23 and I.A. No.2/22) have already been allowed by this Court on 20.11.2023.

14. The amended cause title has already been filed, the same is taken on record.

15. Before parting, learned counsel for the parties submit that there is a possibility of settlement of dispute between the parties, therefore, the matter may be referred to the Mediation Center of Rajasthan High Court, Jodhpur.

16. In view of request so made, office is directed to place the matter before the Mediation Center of Rajasthan High Court, Jodhpur on 21.05.2025. The parties are directed to appear before the Mediation Centre of this High Court on 21.05.2025 so as to explore the possibility of mutual settlement. The Mediator concerned shall forward the report of proceedings to this Court on or before the next date of hearing.

17. List this matter in the month of July 2025.

(CHANDRA SHEKHAR SHARMA),J