

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

S.B. Civil Writ Petition No. 5970/2026

Tarachand S/o Shri Ramdayal, Aged About 86 Years, Resident Of
Sindhiyon Ki Gali, Sursagar, Jodhpur.

-----Petitioner

Versus

1. Ramnarayan S/o Shri Ramdayal Ji, Resident Of Sindhiyon
Ki Gali, Sursagar, Jodhpur.
2. Jodhpur Development Authority, Through Is
Commissioner.
3. Deputy Commissioner (West), Jodhpur Development
Authority, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Nitin Trivedi

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

19/03/2026

Learned counsel for the petitioner submits that the petitioner, being the defendant in the suit, on account of his medical condition, namely Parkinson's disease, moved an application under Order XXXII Rule 15 of the Code of Civil Procedure, 1908, seeking appointment of his son as next friend/guardian to prosecute and defend the proceedings on his behalf. The said application was duly supported by medical certificates issued by a competent medical practitioner. However, the learned Trial Court dismissed the application on the ground that no relevant or sufficient medical documents had been filed to substantiate the petitioner's illness.

Learned counsel further submits that the petitioner thereafter preferred a review application under Order XLVII Rule 1 read with Section 151 of the Code of Civil Procedure, 1908, inter alia, contending that the requisite medical documents evidencing his illness had already been filed along with Form No. 3. However, the said review application also came to be dismissed by the learned Trial Court on the ground that the medical certificate produced did not disclose sufficient grounds of his illness.

The matter requires consideration.

Issue notice to the respondent, returnable within a period of six weeks.

In the meanwhile and till next date, further proceedings in Suit No.157/2011 titled *Ramnarayan Vs. JDA & Ors.* pending before Senior Civil Judge, Pipar City, Jodhpur District shall remain stayed.

(MUKESH RAJPUROHIT),J