

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

S.B. Civil Writ Petition No. 3374/2014

Kalu Singh

----Petitioner

Versus

Lrs Of Shiv Shankar Dave And Anr.

----Respondent

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. O.P. Mehta Mr. Pradeep Gehlot

HON'BLE MR. JUSTICE FARJAND ALI

Order

07/05/2026

1. The matter comes up on an application (I.A. No.01/25) preferred on behalf of the respondent – Landlord.
2. Mr. O.P. Mehta, learned counsel for the respondent, urges that the petitioner – Mr. Kalu Singh has passed away on 16.04.2022 and his wife Smt. Meena expired on 03.07.2025.
3. Copies of the newspaper publication of obituary dated 18.04.2022 and 11.07.2025 are annexed with the application.
4. The deceased – Mr. Kalu Singh have two surviving daughters; namely Ms. Deepika and Ms. Khushbu. Ms. Khushbu had died much before the death of her mother Smt. Meena and the obituary published in the newspaper in this regard has also been brought on record. The other daughter Ms. Deepika does not fall within the definition of 'tenant' since no rights whatsoever got accrued in her favour and she is not in possession of the property

as an encroacher. The prayer has been made for dismissing the writ petition on these grounds.

5. Today, none appears on behalf of the petitioner. None appears on earlier occasions also.

6. The writ petition is pending before this Court since last 12 years.

7. Prima facie, it can be believed that the writ petitioner have passed away since information of their demise is very much evident from the copies of the newspaper attached with the application.

8. Be that as it may, since nobody is present, the writ petition deserves dismissal.

9. Since no application has been moved on behalf of the deceased petitioner for substitution or bringing on record legal representatives or any other person, who may have in possession of premises, thus, the writ petition is dismissed as abated.

10. Pending applications, if any, stand disposed of.

(FARJAND ALI),J