

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

S.B. Civil Writ Petition No. 7016/2019

Hari Singh Tak S/o Sh. Sangram Singh Tak, Aged About 77
Years, Resident Of Chakarwala Bera, Mandore, Jodhpur (Raj.).

-----Petitioner

Versus

Shyam Singh S/o Late Sh. Kan Singh Parihar, Resident Of
Building No. 13, Flat No. 10, Second Floor, Navjeen Cooperative
Housing Society Ltd. Chaimbur, Mumbai 400074 Presently C/o
Prem Singh Kachchhwaha, House No. 495, Anand Niketan,
Behind Mahamandir Railway Station, Jodhpur.

-----Respondent

For Petitioner(s)	:	Mr. Sandeep Shah
For Respondent(s)	:	Mr. Narendra Thanvi

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

13/08/2020

In wake of onslaught of COVID-19, abundant caution is being
taken while hearing the matters in Court.

Learned counsel for the respondent has drawn attention of
this Court towards the application for recalling of the interim order
dated 21.05.2019 granted by this Court, which reads as follows :-

*"Issue notice to the respondents, returnable within a
period of four weeks.*

*In the meanwhile, status quo as it exists today with
regard to the property in-question shall be maintained by
the parties."*

Learned counsel for the respondent submits that there would
be an exception of this Court, as S.B. Civil Misc. Appeal
No.470/2008 was an appeal, which was represented by the then

Advocate Dr. Pushpendra Singh Bhati. The order dated 08.04.2008 has been brought to the knowledge of this Court for the first time.

Thus, learned counsel for the respondent seeks recalling of the order dated 21.05.2019 on the count that since one of the parties were represented by the then counsel, therefore, the order dated 21.05.2019 ought to be recalled.

This Court in all its propriety believes that once the matter was being represented by the then counsel, it ought not to hear this matter any further. However, without prejudice to the fact that the fact of exception was not brought to the notice of the court earlier and while passing the earlier order dated 21.05.2019, this Court did not have any kind of knowledge about the fact of the order dated 08.04.2008, which has now been brought on record is not inclined to make any further adjudication in this matter.

In light of the aforesaid observations, it will not be appropriate for this Court to pass any further order on this issue, may be even of recalling, as it may not be in the best interest of justice.

Thus, this Court directs the Registry to list the matter before the appropriate Bench on 18.08.2020 for further orders to be passed in pursuance of the matter in-question.

Though it is not the domain of this Court to make any request to the Hon'ble Single Bench, who may hear it on its own discretion, however, in the best interest of justice, this Court requests the Hon'ble concerned Bench to consider the application of recalling / continuing / merits / any other order, which may be feasible in nature.

It will be expected from the learned counsel for both the parties to make their respective cases before the Hon'ble Bench

Let the application and main writ petition be marked as exception of this Court for future.

32-Sudheer/-



सत्यमेव जयते