

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

S.B. Civil Restoration Application No. 318/2026

1. Lrs Of Late Umar Daraj, R/o Ward No.50 Kohriyo Ka Mohalla, Bikaner
2. Rahisa Bano W/o Late Umar Daraj, Aged About 56 Years, R/o Ward No. 50 Kohriyo Ka Mohalla Bikaner
3. Araman Raj S/o Late Umar Daraj, Aged About 32 Years, R/o Ward No. 50 Kohriyo Ka Mohalla Bikaner
4. Hasraj Raj Kohari S/o Late Umar Daraj, Aged About 30 Years, R/o Ward No. 50 Kohriyo Ka Mohalla Bikaner
5. Sahina D/o Late Umar Daraj, Aged About 36 Years, W/o Shri Ayub Ali Jel Vail Road Bikaner
6. Mainuddin S/o Late Jamilurahman Alias Baboo, Aged About 76 Years, R/o Mohalla Koriyan Bikaner.
7. Iqaramudin S/o Late Jamilurahman Alias Baboo, Aged About 66 Years, R/o Mohalla Koriyan Bikaner.
8. Mohammad Islam S/o Late Jamilurahman Alias Baboo, Aged About 59 Years, R/o Mohalla Koriyan Bikaner.
9. Smt Aseena Alias Kali, W/o Late Jamilurahman Alias Baboo R/o Mohalla Koriyan Bikaner. (Since Died On 12-12-2014)

-----Petitioners

Versus

1. Unyuas Ali S/o Late Hamidurahman, R/o Mohalla Koriyan Bikaner.
2. Lrs Of Jahiruddin, R/o Ram Rahim Chowk, Bhutto Ka Chouraha, Bikaner.
3. Khatun W/o Late Shri Jahiruddin, R/o Ram Rahim Chowk Bhutto Ka Chouraha Bikaner
4. Mujiburrahman S/o Late Shri Jahiruddin, R/o Ram Rahim Chowk Bhutto Ka Chouraha Bikaner
5. Mohasin S/o Late Shri Jahiruddin, R/o Ram Rahim Chowk Bhutto Ka Chouraha Bikaner
6. Abdul Rasheed S/o Late Shri Jahiruddin, R/o Ram Rahim Chowk Bhutto Ka Chouraha Bikaner
7. Jamila D/o Late Shri Jahiruddin, W/o Shri Mustaq Ali R/o Near Dargah Bhutta Ka Bass Bikaner
8. Zarina D/o Late Shri Jahiruddin, W/o Shri Yakub Baboo R/o Main Bazar Mahajan Dist. Bikaner
9. Ajij S/o Late Hamidurahman, R/o Mohalla Koriyan Bikaner.
10. Nisaruddin S/o Late Hamidurahman, R/o Mohalla Koriyan Bikaner.
11. Smt Bismillah W/o Late Hamidurahman, R/o Mohalla Koriyan Bikaner.

12. Sarajudin S/o Late Jalaludin, R/o Bhuto Ka Bas Near Kabrishthan Bikaner
13. Aminudin S/o Jalaludin, R/o Bhuto Ka Bas Near Kabrishthan Bikaner.
14. Najirudin S/o Late Fazal Rahman, R/0 Bhuto Ka Bas Near Kabrishthan 3 Bikaner. Corrected By Honble Court Order. (Application V/o 22 R.4 Pending Till Date)
15. Basirudin S/o Fazalrahman, R/0 Mohalla Koriyan Bikaner.

----Respondents

For Petitioner(s) : Mr. DD Chitlangi

For Respondent(s) : Mr. Mahesh Thanvi

HON'BLE MR. JUSTICE FARJAND ALI

Order

08/05/2026

1. The instant application (IA No.2/26) under Order 22 Rule 3 read with Section 151 CPC has been filed for bringing on record the legal representatives of deceased appellant Umar Daraj.
2. Learned counsel for the applicants submits that during pendency of the present appeal, appellant Umar Daraj expired on 20.01.2026, and, therefore, his legal representatives are required to be taken on record. A copy of the death certificate is submitted here with.
3. For the reasons stated in the application and in the interest of justice, the application is allowed.
4. The legal representatives of deceased appellant Umar Daraj, as mentioned in the application, are taken on record. Amended cause title, if filed, be taken on record and be placed appropriately.

5. Another application (IA No.1/26) under Section 5 of the Limitation Act has been filed seeking condonation of delay caused in filing the restoration application.

6. Learned counsel for the parties submit that there is consensus between them with regard to the prayer made in the application.

7. For the reasons stated in the application and in view of the consensus between the parties, the application is allowed. The delay caused in filing the restoration application is condoned.

8. The present restoration application under Order 41 Rule 19 read with Section 151 CPC has been filed seeking restoration of S.B. Civil First Appeal No.339/2005, which came to be dismissed for non-compliance vide order dated 26.05.2014 passed by the learned Deputy Registrar (Judl.), in pursuance of the peremptory order dated 16.04.2014.

9. Considering the submissions made and for the reasons stated in the application, the restoration application is allowed. The S.B. Civil First Appeal No.339/2005 is restored to its original number and be listed whereafter.

10. Office to proceed further in accordance with law.

(FARJAND ALI),J