

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

S.B. Civil Writ Petition No. 8283/2025

Praveen S/o Late Munni Devi W/o Mohd. Salim, Aged About 42 Years, Gulzar Basti, In Front Of Bikaji Tekri Gali, District Bikaner (Raj.).

-----Petitioner

Versus

1. Mushtak S/o Peer Ali, Mohta Saray, District Bikaner (Raj.).
2. Nasir S/o Insaf Ali, Mohta Saray, District Bikaner (Raj.).
3. Surendra Sen S/o Lal Chand, Bada Bazar, District Bikaner (Raj.).
4. Haider S/o Muzaffar Ali, Kadari Colony, Uddam Chowk, District Bikaner (Raj.).
5. Noor Bano D/o Munni Devi, Nai Sarak, Paan Wali Gali, District Jodhpur (Raj.).
6. Shabnam Bano D/o Munni Devi, Nai Sarak, Paan Wali Gali, District Jodhpur (Raj.).

-----Respondents

For Petitioner(s)	:	Mr. Nishank Madhan
For Respondent(s)	:	Mr. Madhav Vyas

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/03/2026

It is contended by learned counsel for the petitioner that the suit for permanent injunction alongwith an application under Order 39 Rules 1 & 2 CPC was filed by the petitioner's mother whereby after hearing arguments from both the sides, the learned trial court has allowed the said application. Aggrieved thereby, the respondent - defendant filed an appeal, however, during the pendency of the appeal Smt. Munni Devi passed away, the

respondent - defendant then filed an application under Order XXII Rule 4 CPC to take legal representatives of deceased Munni Devi on record. However, even when the notices were not served properly, the learned Appellate Court allowed the said application, proceeded ex parte and set aside the order passed by the learned trial Court under Order XXXIX Rule 1 & 2 CPC.

After arguing for some time, learned counsel for the petitioner does not want to press the present writ petition, however, stated that since the suit was filed in the year 2021, directions may be given to the trial Court to decide the suit expeditiously.

Learned counsel for the respondent has no objection to the same.

In view of the aforesaid submissions, the present writ petition is dismissed as withdrawn with directions to the trial Court to decide the suit expeditiously, preferably within a period of one year.

Till then the respondents are restrained from creating any third-party right with respect to the property in question.

(MUKESH RAJPUROHIT),J