

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

S.B. Civil Writ Petition No. 10282/2024

Lrs. Of Surjeet Singh, S/o Shri Hari Singh, R/o Amarpura Jatan,
Tehsil Suratgarh, District Sri Ganganagar (Died) Through Its Lrs
Gurdeep Singh S/o Late Shri Surjeet Singh, Aged About 54
Years, R/o Chotian, District Shree Muktsar Sahib (Punjab).

----Petitioner

Versus

1. Bhura Singh S/o Shri Nand Singh, R/o Amarpura Jatan,
Tehsil Suratgarh, District Sri Ganganagar.
2. Sharawan Singh S/o Shri Nand Singh, R/o Amarpura
Jatan, Tehsil Suratgarh, District Sri Ganganagar.

----Respondents

For Petitioner(s) : Mr. Pradeep Singh Khosa

HON'BLE MS. JUSTICE REKHA BORANA

Order

03/07/2024

1. Learned counsel for the petitioner submits that the application under Order 8 Rule 1 (3), CPC has been erroneously rejected by the Trial Court on the premise that the attempt to place the document on record was made after an ordinate delay and after the plaintiff's evidence already having been completed.

Counsel submits that the application filed on 22.05.2024 could not have been said to be delayed as the Issues in the matter had been framed only on 20.02.2024 and the matter then proceeded for plaintiff evidence. On 22.05.2024, plaintiff evidence was closed and before closing of the same, on the same date, the application under Order 8 Rule 1 (3), CPC was preferred. Meaning

thereby, the application was filed on the same date when plaintiff evidence was closed.

2. In view of the submissions made, Admit. Issue notice.

Issue notice of stay application also.

Notices be filed in two sets within a period of three days. On the same being filed, one set be given '*dasti*' to learned counsel for the petitioner for service through registered post acknowledgment due. Notices be made returnable on 26.07.2024.

Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

3. Meanwhile, further proceedings in Civil Suit No.47/2013 pending before the Court of Additional District and Sessions Judge, Suratgarh shall remain stayed.

(REKHA BORANA),J