

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

S.B. Civil Writ Petition No. 10607/2024

Chenaram S/o Shri Nathuram, Aged About 46 Years, Resident Of
Bhatnokha, Tehsil Nagaur (Raj.).

-----Petitioner

Versus

1. LRs. Of Punaram, Through
- 1/1. Rameshwar S/o Late Shri Punaram, Resident Of
Bhatnokha, Tehsil And District Nagaur (Raj.).
- 1/2. Kaburam S/o Late Shri Punaram, Resident Of Bhatnokha,
Tehsil And District Nagaur (Raj.).

-----Respondents

For Petitioner(s)	:	Mr. Sajjan Singh Rajpurohit with Mr. Prashant Tatia
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HON'BLE MS. JUSTICE REKHA BORANA

Order

05/07/2024

1. Learned counsel for the petitioner submits that the learned Trial Court, erroneously, vide the order impugned dated 30.05.2024, allowed the application under Order 19 Rule 3, CPC as preferred by the plaintiff and directed for filing of a fresh affidavit of the witness Kamaluddin after deleting the statements alleged to be other than the pleadings as made in the written statement.

2. Counsel submits that it was evident on record that Kamaluddin was one of the witnesses to the adoption deed and was even present before the Registrar at the time of the registration of the document and hence, the statements as made by him on oath, qua the adoption deed could not be termed to be

anything other than the pleadings made in the written statement. Counsel further submits that even otherwise, pleadings/statements in support of a document placed on record, can very well be made by a witness as per his personal knowledge.

3. In view of the submissions made, Issue notice. Issue notice of stay application also.

Notices be filed in two sets within a period of one week. 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.

4. Meanwhile, further proceedings in Civil Original Suit No.25/05(41/11)(279/15)(394/14) pending before the learned Additional District Judge No.2, Nagaur shall remain stayed.

(REKHA BORANA),J