

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

S.B. Civil Writ Petition No. 12492/2019

Rajesh Kumar S/o Shri Nemichand Lunia, Aged About 54 Years,
B/c Jain, Proprietor Vardhaman Hardware And Ply Centre,
Ganesh Marg, Sumerpur, District Pali.

-----Petitioner

Versus

1. Ghewarchand S/o Shri Sardarmal Ji, B/c Jain, R/o Mundara, At Present At Mumbai (Maharashtra).
2. Chandulal S/o Shri Sardarmal Ji, B/c Jain, R/o Mundara, At Present At Mumbai (Maharashtra).
3. Madanlal S/o Shri Sardarmal Ji, B/c Jain, R/o Mundara, At Present At Mumbai (Maharashtra).
4. Ashok Kumar S/o Shri Sardarmal Ji, B/c Jain, R/o Mundara, At Present At Mumbai (Maharashtra).
5. Smt. Chanda Ben D/o Shri Sardarmal Ji W/o Rameshchandra Jain, R/o Mundara, At Present At Mumbai (Maharashtra).
6. Smt. Sayara Ben D/o Shri Sardarmal Ji W/o Phootarmal, B/c Jain, R/o Bisalpur, At Present At Bangalore.

-----Respondents

For Petitioner(s) : Mr. Mahendra Thanvi

For Respondent(s) : Mr. Rajesh Parihar

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/02/2026

1. By way of the present writ petition, the petitioner-defendant has assailed the order dated 11.07.2019 (Annx.5) passed by the learned Additional District Judge, Sumerpur, District Pali in Civil Original Suit No. 04/2017 (Ghewarchand & Ors. vs. Rajesh Kumar) to the extent whereby, the application preferred by the respondents-plaintiffs under Order VIII Rule 9 of the Code of Civil Procedure, 1908 came to be allowed.

2. Heard learned counsel for the parties.

3. During the course of arguments, learned counsel for the respondents-plaintiffs submits that the present writ petition,

challenging the order allowing filing of subsequent pleadings, has been pending adjudication since the year 2019. It is further submitted that interim stay on the operation of the impugned order, insofar as it relates to acceptance of the application under Order VIII Rule 9 CPC, has been operating in the matter, on account of which further proceedings in the suit have remained stalled. Learned counsel, therefore, on instructions, submits that the respondents have no objection if the writ petition is allowed and the impugned order dated 11.07.2019 is quashed and set aside, with a direction to the learned trial court to proceed with the matter and decide the main suit expeditiously in accordance with law.

4. Learned counsel for the petitioner does not oppose the aforesaid submission.

5. In view of the submissions made and with the consent of learned counsel for the parties, the present writ petition is allowed. The order dated 11.07.2019 (Annx.5) passed by the trial court is hereby quashed and set aside.

6. The learned trial court is directed to proceed with the suit expeditiously in accordance with law.

7. It is clarified that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the parties are left open.

8. Stay application and all pending application(s), if any, shall also stand disposed of.

(MUKESH RAJPUROHIT),J