

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

S.B. Civil Writ Petition No. 13370/2024

Heera Lal S/o Sukhdev Kumawat, Aged About 60 Years, R/o
Sabdara, Tehsil Asind, District Bhilwara (Raj.).

-----Petitioner

Versus

Ganpat Singh S/o Narayan Singh Rajput, R/o Sabdara, Tehsil
Asind, District Bhilwara (Raj.).

-----Respondent

For Petitioner(s) : Mr. Nikhil Ajmera

HON'BLE MS. JUSTICE REKHA BORANA

Order

16/08/2024

1. Learned counsel for the petitioner submits that the learned Trial Court erroneously allowed the application under Order 6 Rule 17, CPC as preferred on behalf of the plaintiff respondent whereas the amendment as sought to be made, would lead to complete change in the specific pleadings as made by the plaintiff and consequently, change the cause of action as reflected in the plaint.
2. In view of the submission made, Issue notice. Issue notice of the 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 10.09.2024.

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



[CW-13370/2024]

3. Meanwhile, further proceedings in Civil Original Suit No.44/2021 pending before the Civil Judge, Asind, District Bhilwara shall remain stayed.

(REKHA BORANA),J

18-Vij/-