

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

S.B. Civil Writ Petition No. 13808/2024

Surendra S/o Shri Rai Singh, Aged About 40 Years, Resident Of
Ranjeetpura, Tehsil And District Hanumangarh.

-----Petitioner

Versus

Mohan Lal S/o Shri Hari Ram, Resident Of Ward No. 11,
Ranjeeta, Tehsil And District Hanumangarh.

-----Respondent

For Petitioner(s) : Mr. Ramawatar Singh
Mr. Sumer Singh Gour

HON'BLE MS. JUSTICE REKHA BORANA

Order

28/08/2024

1. Learned counsel for the petitioner submits that despite there being a specific report of the process server regarding service of notice on the defendant, learned Appellate Court erroneously remanded the matter back to the learned Trial Court for deciding the application under Order 9 Rule 13, CPC afresh after recording the evidence of the defendant.

2. Counsel submits that the defendant intentionally made different signature on the application whereas the signature as made by him on the notices for service was clearly the one similar to the signature made on the *vakalatnama* and the other pleadings.

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 27.09.2024.

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 Suit No.15/2022 pending before the Senior Civil Judge, Hanumangarh shall remain stayed.

(REKHA BORANA),J

402-AbhishekK/-