

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

S.B. Civil Writ Petition No. 14306/2019

Rugha Ram S/o Sh. Basti Ram, Aged About 45 Years, B/c
Dhanak, R/o Chak 3 Gm, Chhatargarh, District Bikaner.

-----Petitioner

Versus

1. Rami W/o Hardayal, B/c Saansi, R/o Chak 3 Gm,
Chhatargarh, District Bikaner.
2. Ranjeet S/o Sh. Hardayal, B/c Saansi, R/o Chak 3 Gm,
Chhatargarh, District Bikaner.
3. Amar Jeet S/o Sh. Hardayal, B/c Saansi, R/o Chak 3 Gm,
Chhatargarh, District Bikaner.
4. Bhaniram S/o Sh. Gopaldas, B/c Dhanak, R/o Jasrasar,
Tehsil And District Churu.

-----Respondents

For Petitioner(s) : Mr. Anil Vyas

JUSTICE DINESH MEHTA

Order

03/10/2019

Learned counsel contends that by way of the impugned order, learned Trial Court has permitted a power of attorney dated 13.10.1986 to be taken on record, ignoring the fact that the suit for specific performance of the agreement of even date was pending since 2011 and there was neither any whisper about such document in the plaint nor any amendment was sought. Pointing out that plaintiff's evidence was over in 2013 itself, he argues that document cannot be taken on record.

Matter requires consideration.

Issue notice. Issue notice of the stay application also, returnable within eight weeks.

Meanwhile, effect and operation of the order dated 23.07.2019, shall remain stayed.

(DINESH MEHTA),J

240-skm/-

