

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

S.B. Civil Writ Petition No. 15102/2026

CNR: RJHC010689832026

URN: CW / 27382U / 2026

Manoj Kumar Bohra S/o Shri Late Ram Pratap Ji Bohra, Aged About 57 Years, R/o 2, Vakrangi Villa, Aadarsh Colony, Road No.6, Near Pulan Bridge, Pulan, Udaipur, Rajasthan-313001.

-----Petitioner

Versus

1. Avinash Chandra Trivedi S/o Shri Baikunth Chandra Ji Trivedi, R/o 100 Maaldas Street, Udaipur.
2. Mahesh Narayan Trivedi S/o Shri Dharam Narayan Ji Trivedi, Aged About 58 Years, R/o 58, Gogavat Badi, Inside Chaandpole, Udaipur, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Pranjul Mehta

For Respondent(s) : -

HON'BLE MR. JUSTICE FARJAND ALI

Order

17/07/2026

1. Heard learned counsel for the parties.
2. This Court finds force in the submissions advanced by learned counsel for the petitioner that the learned trial Court has indeed erred in law in observing that the defendant is entitled, as a matter of legal fiction, to an additional period of 90 days after the rejection of an application under Order VII Rule 11 of the CPC.
2.1 It is also noticed that the suit was instituted in the year 2018 and was amended on 10.01.2025. As per the provisions of Order XVII of the CPC, only three opportunities can ordinarily be

granted. In the present case, sufficient opportunities were afforded to the defendant; however, the same were not availed of. Therefore, a legitimate right accrued in favour of the plaintiff to seek an order closing the defendant's right to file the written statement.

3. Issue notice. Requisition shall also be given *dasti*.
4. List the matter after three weeks.
5. In the meanwhile, further proceedings pending before the learned Additional District Judge in Civil Suit No. 200/2022 shall remain stayed.

(FARJAND ALI),J