

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

S.B. Civil Writ Petition No. 15275/2024

Prakash Chandra S/o Bhimraj Ji, Aged About 58 Years, Gadhbor
(Charbuja), Tehsil Kumbhalgarh, District Rajsamand (Raj.)

-----Petitioner

Versus

1. Smt. Pushpa W/o Late Govindlal Gurjar, Gadhbor
(Charbuja), Tehsil Kumbhalgarh, District Rajsamand
(Raj.)
2. Yogesh @ Bablu S/o Govindlal Gurjar, Gadhbor
(Charbuja), Tehsil Kumbhalgarh, District Rajsamand
(Raj.)

-----Respondents

For Petitioner(s) : Mr. Siddharth Mandawat

HON'BLE MS. JUSTICE REKHA BORANA

Order

26/09/2024

1. Learned counsel for the petitioner submits that the learned Trial Court has erroneously rejected the application preferred under order VII Rule 14, CPC as preferred on behalf of the plaintiff petitioner on the premise that no pleadings qua the document (FIR) has been made in the plaint. Learned counsel submits that the pleadings qua the said document (FIR) were very well made in the rejoinder as filed by the plaintiff petitioner.
2. In view of the submissions 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 on 23.10.2024.

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

3. Meanwhile, further proceedings in Civil Case No.37/2013 pending before the learned Additional District Judge, Rajsamand shall remain stayed.

4. However, if the defendant does not object for taking the document in question on record, the learned Trial Court would be at liberty to pass appropriate order and to proceed further with suit proceedings. In those circumstances, the present order shall cease to operate.

(REKHA BORANA),J