

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Civil Writ Petition No. 15554/2022

1. Surjeet Kour (Deceased) W/o Mahant Singh D/o Budh Singh @ Budhram through her legal representatives:-

1/1 Mahant Singh S/o Bal Singh, age about 70 years, by caste Bawri, R/o Ward No.19, Lalchand Ki Dhani, District Sri Ganganagar, Rajasthan.

1/2 Ranjeet Kour D/o surjeet Kour (W/o Mahant Singh), Age about 52 years, By caste Bawri, R/o Ward No.19, Lalchand Ki Dhani, District Sri Ganganagar, Rajasthan.

1/3 Lakshmi D/o Surjeet Kour (W/o Mahant Singh), Age about 50 years, By caste Bawri, R/o Ward No.19, Lalchand Ki Dhani, District Sri Ganganagar, Rajasthan.

1/4 Nihal Singh S/o Surjeet Kour (W/o Mahant Singh, Age about 48 years, by caste Bawri, R/o ward No.19, Lalchand Ki Dhani, District Sri Ganganagar, Rajasthan.

1/5 Surendra Kumar S/o Surjeet Kour (W/o Mahant Singh), Age about 46 years, by caste Bawri, R/o Ward No.19, Lalchand Ki Dhani, District Sri Ganganagar, Rajasthan.

1/6 Rajni Rani D/o Surjeet Kour (W/o Mahant Singh), Age about 45 years, by caste Bawri, R/o Ward No.19, Lalchand Ki Dhani, District Sri Ganganagar, Rajasthan.

1/7 Bharat Singh S/o Surjeet Kour (W/o Mahant Singh), age about 43 years, by caste Bawri, R/o Ward No.19, Lalchand Ki Dhani, District Sri Ganganagar.

----Petitioner

Versus

1. Amar Singh @ Amarjeet Singh S/o Santi Bai (W/o Bishan Singh), Age about 52 years, By caste Bawri, R/o Takhat Hazara, Sohnewala, Tehsil Sadulshahar, District Sri Ganganagar (Raj.).

2. Bhajanlal S/o Santi Bai (W/o Bishan Singh), Age about 50 years, By caste Bawri, R/o Takhat Hazara Sohnewala, Tehsil Sadulshahar, District Sri Ganganagar (Raj.).

3. Sukhal S/o Santi Bai (W/o Bishan Singh), Age about 48 years, by caste Bawri, R/o Takhat Hazara Sohnewala, Tehsil Sadulshahar, District Sri Ganganagar (Raj.).

4. Baleshbai D/o Santi Bai (W/o Bishan Singh), Age about 42 years, by caste Bawri, R/o Takhat Hazara Sohnewala, Tehsil Sadulshahar, District Sri Ganganagar (Raj.).

5. Bhagwanti Devi D/o Jeetobai (W/o Gurdyal Singh), Age about 62 years, by caste Bawri, R/o Karnisar, 6 K.S.D., Tehsil Anoopgarh District Sri Ganganagar, Rajasthan.

6. Raji D/o Jeetobai (W/o Gurdyal Singh), Age about 60 years, by caste Bawri, R/o Karnisar, 6 K.S.D., Tehsil Anoopgarh District Sri Ganganagar, Rajasthan.

7. Jangeero D/o Jeetobai (W/o Gurdyal Singh), Age about 58 years, By caste Bawri, R/o Karnisar, 6 K.S.D., Tehsil Anoopgarh District Sri Ganganagar, Rajasthan.

8. Karmo Devi D/o Jeetobai (W/o Gurdyal Singh), Age about 50 years, By caste Bawri, R/o Karnisar, 6 K.S.D., Tehsil Anoopgarh District Sri Ganganagar, Rajasthan.

9. Gurdatt Singh S/o Jeetobai (W/o Gurdyal Singh), age about 52 years, By caste Bawri, R/o Karnisar, 6 K.S.D., Tehsil Anoopgarh District Sri Ganganagar, Rajasthan.

10. Santram S/o Jeetobai (W/o Gurdyal Singh), Age about 55 years, By caste Bawri, R/o Karnisar, 6 K.S.D., Tehsil Anoopgarh District Sri Ganganagar, Rajasthan.

-----Respondent

For Petitioner(s) : Mr. Baltej Singh Sandhu.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

04/11/2022

Learned counsel for the petitioners submits that the petitioners have never delayed the suit proceedings as they themselves are plaintiffs and are desirous of getting the matter settled at the earliest. It is also submitted that on 08.09.2022, two witnesses were produced from their side as PW1 & PW2. Their statements were recorded and their cross examination was also completed on day itself, although it was made clear in the order sheet dated 08.09.2022 that rest of the witnesses should be produced before the court on the next date i.e. on 06.10.2022 failing which evidence from the side of the petitioners shall stand closed. Despite having noted this fact in the order dated 08.09.2022, evidence was not produced by the petitioners on the next date fixed for the reason that the counsel for the petitioners had to leave the station for some urgent purpose, therefore, evidence from the side of the petitioners could not be recorded before the trial court and evidence of the plaintiffs was closed. Learned counsel further submits that non production of evidence

from the side of the plaintiffs will cause an irreparable damage to them.

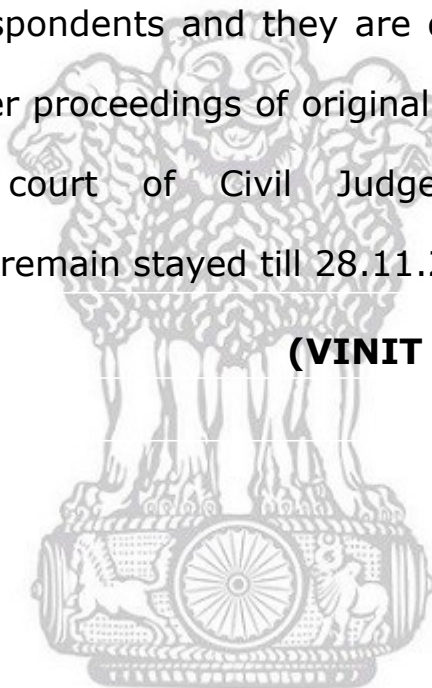
The matter requires consideration.

Issue notice. Issue notice of the stay application also. The rule issued is made returnable on 28.11.2022.

In the meanwhile, it is considered expedient and in the interest of justice, if the petitioners produce their evidence on the next date fixed i.e. on 07.11.2022 on payment of cost of Rs.10,000/- to the respondents, then evidence of the petitioners-plaintiff side may be recorded and the respondents may be allowed to cross examine the petitioners. If the cost is not accepted by the respondents and they are desirous of contesting the suit then further proceedings of original Civil Suit No.46/2011 pending in the court of Civil Judge, Pilibanga District Hanumangarh shall remain stayed till 28.11.2022.

(VINIT KUMAR MATHUR),J

AnilSingh/-



सत्यमेव जयते