



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Civil First Appeal No. 37/2024

Shanti & Ors.

-----Appellants

Versus

Lrs Of Hariram & Ors.

-----Respondents

For Appellant(s) : Mr. Aakash Kukkar.

For Respondent(s) :

HON'BLE MR. JUSTICE BIRENDRA KUMAR

Order

23/02/2024

Learned counsel for the appellants submits that suit for partition brought by the plaintiffs-appellants has been dismissed by the learned trial Court by the impugned judgment and decree dated 15.07.2023. The office has raised objection that plaintiff no. 2 Smt. Kamla Devi, who was a party to the suit, is not a party in the instant appeal.

Learned counsel for the appellants submits that since Smt. Kamla Devi died, the instant appeal was filed along with the legal heirs of Smt. Kamla Devi as appellants. Moreover, an application under Order 22 Rule 3 CPC has also been filed.

The prayer of the appellants is allowed.

Office objection stands overruled.

Let the Appeal be admitted for hearing.

Let notice should go to the respondents through both the processes.



Requisites be filed within two weeks, failing which, the instant appeal would be dismissed without further reference to the Bench.

On compliance of the same within time, the Registry shall proceed.

List on 16.04.2024.

(BIRENDRA KUMAR),J

45-sumer/-