

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

S.B. Civil Writ Petition No. 18528/2024

Raj Valmiki W/o Shri Omprakash Valmiki, Aged About 55 Years,
Behind Jagdish Temple, District-Bikaner (Raj.).

-----Petitioner

Versus

1. Babulal S/o Shri Tolaram, Behind Jagdish Temple, District-Bikaner (Raj.).
2. Suman Devi W/o Late Shri Dilip Kumar Padiyar, Gram Udasar, Tehsil And District- Bikaner (Raj.).
3. Sadh Vilas S/o Ram Ji Lal, 10/3, Mukta Prasad Colony, District- Bikaner (Raj.). At Present Secretary, The Bikaner Education Trust, Bikaner (Raj.).
4. Rajendra Singh Shekhawat S/o Shri Kalyan Singh Shekhawat, 5-C-90, Jai Narayan Vyas Colony, District-Bikaner (Raj.).

-----Respondents

For Petitioner(s) : Mr. Nishank Madhan

HON'BLE DR. JUSTICE NUPUR BHATI

Order

09/12/2024

Learned counsel for the petitioner submits that it was a bonafide mistake on his part as well as his counsel, due to which the notices could not be filed on time and therefore, the petitioner sought a direction to summon the defendant to the new address ,however, the learned trial court without considering the reasons rejected his application under Order IX Rule 5 of the CPC.

Learned counsel for the petitioner places reliance upon the order dated 08.04.2016 of the Hon'ble Punjab & Haryana High Court in the case of **Jatinder Singh Bhatti Vs. Smt. Nimrita**

Naresh Kaur & Ors. (Civil Revision No.6193/2014) in which, it was held that application should not be dismissed on the ground of limitation and a lenient view should be taken while condoning the delay.

Issue notice of the writ petition as well as of stay application to the respondents, returnable within four weeks.

In the meanwhile and until next date, further proceedings in Civil Original Suit No.96/2017 titled as "Raj Valmiki. v. Babu Lal & Ors." filed by the petitioner-plaintiff, pending before the court of learned Additional Civil Judge No.3, Bikaner, shall remain stayed.

(DR. NUPUR BHATI),J

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