

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

S.B. Civil Writ Petition No. 19390/2024

Radha Kishan S/o Sheraram, Aged About 60 Years, R/o Chak 7
Bkm Gudli, Suratgarh, District Sriganganagar.

-----Petitioner

Versus

1. Rameshwar Lal S/o Dula Ram, R/o Gudli, Tehsil
Suratgarh, Sriganganagar.
2. Kashi Ram S/o Dula Ram, R/o Gudli, Tehsil Suratgarh,
Sriganganagar.
3. Raja Ram S/o Dula Ram, R/o Gudli, Tehsil Suratgarh,
Sriganganagar.

-----Respondents

For Petitioner(s) : Mr. Vijay Kumar Agarwal

HON'BLE MS. JUSTICE REKHA BORANA

Order

17/12/2024

1. Learned counsel for the petitioner submits that the information of the death of defendant No.1 was given on 09.01.2024 only and the application under Order 22 Rule 4 & 9, CPC was filed on 21.02.2024 i.e. within a period of 45 days.
2. Learned counsel further submits that the name of the two legal representatives were inadvertently, because of typographical error, reflected in the application but the complete application itself has been rejected by the learned Trial Court on the said ground. Counsel submits that the proceedings could not have been abated against defendant No.1 for the said sole reason.
3. In view of the submission made, Issue notice.

Issue notice of 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 14.01.2025.

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

4. Meanwhile, further proceedings in Civil Original Suit No.82/2015 pending before Civil Judge, Suratgarh shall remain stayed.

5. However, if the legal representatives of defendant No.1 do not object to their substitution, on a fresh application been filed by the plaintiff with the correct particulars, the learned Trial Court may proceed on to allow the same and continue with the suit proceedings. In that eventuality, the present order shall cease to operate.

(REKHA BORANA),J