

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

S.B. Civil First Appeal No. 7/2026

Hirsingh

----Appellants

Versus

Manoharmal & Ors.

----Respondents

For Appellant(s)	:	Mr. Manas Khatri
For Respondent(s)	:	Mr. Suresh Shrimali with Mr. Teja Ram Choudhary

HON'BLE MS. JUSTICE REKHA BORANA

Order

05/05/2026

1. An application (I.A. No. 02/2026) for recalling of order dated 13.02.2026 has been filed on behalf of respondent Nos. 1 and 5.
2. It has been submitted that respondent Nos. 6 to 23 whose service had been dispensed with vide order dated 13.02.2026, were in fact served in the suit proceedings. Even written statement by some of them had been filed.
3. It has further been submitted that reliefs qua the said respondents have also been prayed in the suit proceedings and hence, their service could not have been dispensed with.
4. Per contra, Counsel for the appellant submits that the service on the said respondents was dispensed with at the risk of the appellant. Hence, the consequences if any, would be faced by the appellant. Respondent Nos.1 and 5 cannot be affected by the same.

5. Counsel further submits that even otherwise application under Order VII Rule 11, CPC which stood allowed vide the order impugned was filed on behalf of respondent Nos. 1 & 5 only and it is only they who can be termed to be aggrieved parties.
6. Heard the Counsels.
7. Vide order dated 19.01.2026, notices were directed to be issued to respondent Nos. 2 to 4 and 6 to 23. The said notices were not filed and an application for dispensing with their service was filed which stood allowed vide order dated 13.02.2026. However, keeping into consideration the fact that a decree stands passed in favour of the said respondents too, this Court is of the opinion that they deserve to be served in the present appeal. Hence, order dated 13.02.2026 is hereby recalled.
8. Counsel for the appellant to comply with order dated 19.01.2026.
9. Application (I.A. No. 02/2026) stands disposed of.

(REKHA BORANA),J