

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 92/2010

Mohammad Kha

----Appellant

Versus

Balvir Singh And Another

----Respondent

For Appellant(s)	:	Mr. Hanuman Sharma
For Respondent(s)	:	Mr. Abhimanyu Singh Mr. Mamraj

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

17/01/2025

Matter comes up on an application (I.A. No.5/2023) filed by the appellants under Order 22 Rule 3 read with Section 151 CPC for taking the legal heirs of deceased appellant Mohammed Khan on record. Alongwith said application, an application (I.A. No.1/2023) has also been filed under Order 22 Rule 9 read with Section 151 CPC for setting aside the abatement. Another application (I.A. No. 3/2023) filed under Section 5 of the Limitation Act for condonation of the delay.

Learned counsel for the appellant(s) submits that the appellant Mohammed Khan died and his legal heirs Nijammuddin and Hafiz Khan had already died before the death of Mohammed Khan. So, the Lrs of deceased Nijammuddin and Hafiz Khan and deceased appellant-Mohammed Khan be taken on record.

Applications are allowed for the reasons stated therein and delay in filing the application is condoned and the Lrs of deceased Mohammed Khan, Nijammuddin and Hafiz Khan as described in

the para 8 of the application are taken on record and abatement, if any, stands set aside.

Learned counsel for the appellant(s) is directed to file amended cause title.

Application (I.A. No. 4/2023) stands disposed of.

List after six weeks.

(NARENDRA SINGH DHADDHA),J