

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 1995/2026

Jaidayal Son Of Sagna

-----Petitioner

Versus

Ramkunwar Yadav Son Of Ramratan Yadav and Anr.

-----Respondents

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For Petitioner(s) : Mr. Jai Raj Tantia

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**HON'BLE MR. JUSTICE ANUROOP SINGHI**

**Order**

**03/02/2026**

The present writ petition has been filed by the petitioner being aggrieved of the order dated 24.12.2025 passed by learned Additional District Judge, Bansur, Kotputli-Behror in CMA No. 50/17/2025 (CIS No. 19/2025) titled as Jaidayal vs Ramkunwar Yadav vide which appeal filed by the petitioner/appellant has been dismissed and the order dated 31.10.2025 passed by Additional Civil Judge and Additional Chief Judicial Magistrate, Bansur, Kotputli-Behror rejecting the application under Order IX Rule 13 read with Section 151 of Code of Civil Procedure, 1908 and Section 5 of Limitation Act, 1963 has been upheld.

Learned counsel for the petitioner, Mr. Jai Raj Tantia, submits that the summons of the suit were never served upon the petitioner and on the contrary, they were served upon his son Mr. Pradeep Yadav, who lives separately and thus, the said service of summons upon the son of the petitioner could not have been considered as proper service upon the petitioner.

To buttress his submissions, learned counsel has placed reliance upon an order dated 16.12.2011 passed by the Hon'ble Allahabad High Court in the case of ***Kishore Kumar Arora versus Harvindar and Ors.*** Bearing ***WRIT-C No.-42106 of 2007, 42113 of 2007*** and ***42110 of 2007***, wherein, service made upon the wife of the petitioner has been held to be an invalid service.

Learned counsel further submits that execution proceedings have been initiated against the petitioner and only upon service of the notices issued under said proceedings, he became aware about the said proceedings.

Taking note of the above, issue notice to the respondent No.1, returnable within three weeks, both by registered post as well as ordinary process.

Notices also be given *dasti* to the learned counsel for the petitioner.

In the meanwhile, till the next date, further proceedings in execution proceedings initiated *qua* judgment and decree dated 29.11.2023, passed by the Court of Senior Civil Judge and Additional Chief Judicial Magistrate, Bansur, district Alwar shall remain stayed.

List the matter on 27.02.2026.

**(ANUROOP SINGHI),J**