

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 2865/2024

Arjun S/o Late Shri Girdhari & Ors.

-----Petitioners

Versus

Smt. Sundari Devi W/o Late Shri Sohan & Ors.

-----Respondents

For Petitioner(s)	:	Mr. R.K. Daga, Mr. Yogesh Pujari
For Respondent(s)	:	

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

29/07/2024

1. Petitioners have filed an application (1/2024) stating inter alia that petitioner No.2 and respondents No.6 and 11, have passed away, therefore, in front of their names, word- "deceased" be indicated.
2. For reasons stated in the application, the same is allowed. The factum of death of petitioner No.2 and respondents No.6 & 11 is taken on record. Amended cause title filed by petitioners, is taken on record. Office is directed to place the amended cause title at the appropriate place.
3. Heard.
4. Petitioners have preferred this writ petition, impugning judgment dated 04.06.2019, issuing preliminary decree for partition which has been affirmed by the Revenue Appellate Authority as also by the Board of Revenue vide judgments dated 13.11.2019 and 30.01.2024.

5. The contention of counsel for petitioners is that all legal representatives of deceased-Sua, were not impleaded as party in the suit for partition, hence allocation of share suffers from illegality and perversity and the preparation of judgment and final decree be stayed.

6. Issue notice to respondents.

7. On the request of counsel for petitioners, service of notice upon respondents No.7 to 10 and 12, who have been impleaded as proforma respondents, is dispensed with. Hence, let notice be issued to respondents No.1 to 5-plaintiffs for writ petition as also of stay application.

8. Notices be issued by both modes, ordinary as well as registered post, as prayed by petitioners.

9. List the matter on 23rd September 2024.

(SUDESH BANSAL),J