

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1469/2025

Girdhari S/o Bherulal(Since Deceased During Pendency Of Suit)
-----Appellant

Versus

Ramjilal S/o Kaluram
-----Respondent

For Appellant(s) : Mr. Amit Jindal
For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

28/04/2026

1. The present writ petition has been filed assailing the order dated 31.10.2019, passed by learned Additional District Judge, Chomu, District-Jaipur, in Temporary injunction Application No. 29/2013, whereby the temporary injunction application filed by the plaintiff-respondent has been allowed.
2. Learned counsel for the appellant submits that a suit was filed by the respondent against petitioner. During the pendency of the suit, original defendant was not served during his lifetime, and thereafter, even successor No. 1/1, i.e., Rupa, was also not served. Consequently, an ex-parte decree was passed. The said ex-parte decree was set aside by the learned Additional District and Sessions Judge, Chomu, District Jaipur, vide judgment dated 16.01.2025, on account of non-service of summons upon either the original defendant or his legal successor.
3. Learned counsel for the appellant, therefore, submits that although the decree has been set aside and the suit has been restored, the injunction order passed during the pendency of the

ex-parte proceedings has not been set aside. Hence, it has become necessary for him to challenge the said order by filing the present appeal. On that account, there has been a delay in filing the appeal.

4. Heard.

5. Let notices be issued to the respondent No. 1 on Section 5 application as well as appeal. Rule is made returnable within four weeks.

6. '*Dasti*' permitted.

7. List this matter after four weeks.

(BIPIN GUPTA),J