

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 557/2004
CNR: RJHC020324842004 | URN: CFA / 986U / 2004

- 1 Prem Shanker S/o Shri Kalyan Mal, aged about 47 years
- 2 Smt. Soni Devi W/o Shri Prem Shanker, aged about 40 years.
- Both R/o Mohallah Khatikan, Chouth Ka Barwara, Distt. Sawai Madhopur

----Appellants

Versus

Kalyan Mal S/o Late Shri Choga Lal, R/o Mohallah Khatikan, Chouth Ka Barwara, Distt. Sawai Madhopur

----Respondents

For Appellant(s)	:	None present
For Respondent(s)	:	Mr. Amitabh Jatav with Mr. Rajendra Singh, Mr. Puneet Prajapat, Mr. Ajay Meena

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

11/08/2026

1. No one has put in appearance on behalf of the appellants.
2. From a bare perusal of the record, it is evident that on 27.01.2026, an application (IA No. 1/2026) was filed by the respondent under Order 22 Rule 10A of the CPC for taking the factum of death of the sole respondent-*Kalyan Mal*, on record, in the said application, it was specifically stated that the sole respondent, *Kalyan Mal*, had expired on 17.11.2023.
3. Despite moving the said application, the appellants have not taken due steps for bringing the legal representatives of the deceased sole respondent-*Kalyan Mal*, on record. Further, it is

revealed from the order-sheets of the present first appeal that this matter was listed on 22.04.2026, and the following order was passed:

"None appears on behalf of the appellants.

The matter comes upon an application (IA No.1/2026) moved on behalf of the respondent informing that the sole respondent has expired on 17.11.2023. The death certificate of the sole respondent has also been annexed with the application.

The application is taken on record.

List the matter after two weeks."

4. In view of the above, it is evident that despite the factum of death of the respondent having been brought on record vide application dated 27.01.2026, till date, no steps have been taken by the appellants to bring the legal representatives of the sole respondent-*Kalyan Mal* on record. Therefore, the present Civil First Appeal stands abated.

5. Accordingly, the present civil first appeal is dismissed as abated.

6. All pending applications, if any, stand disposed of.

(MANEESH SHARMA),J