

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1881/2026

Anita Mishra W/o Atal Bihari Mishra

----Appellant

Versus

Dulichand Jain S/o Sundar Lal Jain

----Respondent

For Appellant(s)	:	Mr. Sukhdev Singh Solanki
For Respondent(s)	:	

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

21/05/2026

1. The present civil misc. appeal has been filed assailing the order dated 01.04.2026, passed by learned Additional District Judge No.4, Jaipur Metropolitan-II in Civil Misc. Case No.64/2025 (CIS NO.464/2025), whereby the learned Trial Court has rejected the application filed by the defendant-appellant under Order 9 Rule 13 CPC.
2. Learned counsel for the petitioner submits that no summons were served upon the appellant. He further submits that the decree has been passed against a deceased person, namely Atal Bihari, who had passed away in 2015. Despite his death, service has been shown to have been effected through his wife. He submits that notice cannot be validly served upon a deceased person, even through his wife, and that such service is wholly illegal.

3. Heard.
4. Let notices be issued to the plaintiff-respondent. Rule is made returnable within four weeks.
5. In the meanwhile, execution of the decree dated 11.07.2022, shall remain stayed till the next date of hearing.
6. List the matter after four weeks.

(BIPIN GUPTA),J

Sudha/3