

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Writ Miscellaneous Application No. 238/2024

In

S.B. Civil Writ Petition No. 2409/2021

Rehmat and Ors.

-----Petitioners

Versus

State of Rajasthan and Ors.

-----Respondents

For Petitioner(s)	:	Mr. Vinod Kumar Tamoliya
For Respondent(s)	:	Mr. Sanjay Mehri Mr. Rakesh Saini

JUSTICE ANOOP KUMAR DHAND

Order

29/04/2026

1. The instant writ misc. application has been submitted for recalling the order dated 08.05.2024 passed by this Court while deciding the S.B. Civil Writ Petition No. 2409/2001.

2 Counsel for the petitioner submits that the aforesaid writ petition was not decided on merits but the same was dismissed on the count that the legal representative of the some of the petitioners were not substituted on record. On this count alone, the writ petition was rejected while granting liberty to the legal representatives of the deceased petitioners to move an application for revival of the aforesaid petition, in case, any cause of action/grievance still survives in their favour. Counsel submits that in the instant case, the cause of action of the legal representatives of the deceased petitioners is still surviving and they want to

contest the matter on its merits, so the order dated 08.05.2024 be recalled and the S.B. Civil Writ Petition No. 2409/2001 be restored to its original number.

3. Per contra, learned counsel for the respondents opposed the prayer.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. Considering the arguments raised by counsel for the petitioners/applicants and looking to the fact that the writ petition bearing No. 2409/2001 was not decided on merits but the same was rejected on a technical count that the legal representatives of some of the petitioners were not substituted and on this count alone, the said writ petition was dismissed. However, in para 5, liberty was granted to the legal representatives of the deceased petitioners to move an application for revival of the writ petition, in case, any cause of action/grievance still survives in their favour.

6. Looking to the overall facts and circumstances of the case and the grievance raised by the legal representatives of the deceased petitioners, the present misc. application is allowed and the order dated 08.05.2024 is recalled and the S.B. Civil Writ Petition No. 2409/2001 is restored to its original number.

(ANOOP KUMAR DHAND),J