

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3045/2024

Abid Hussain Patel S/o Late Ahmed Hussain Patel

----Appellant

Versus

Nasir Patel S/o Late Abid Hussain Patel

----Respondent

For Appellant(s) : Mr. Shailash Prakash Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

13/01/2026

1. The matter comes upon an application No.1/2025 seeking waiver of the defect pointed out by Registry.
2. Learned counsel for the appellant submits that the defect is to the effect that the power of Abid Hussain Patel has not been filed.
3. He further submits that after the passing of the order dated 09.04.2024, Abid Hussain Patel has expired and thus it is not possible to file his power.
4. This Court finds that power of Abid Hussain Patel could not be procured. However, the learned counsel for the appellant ought to have reflected Abid Hussain Patel as 'deceased'.
5. In that view of the matter, this Court deems it appropriate to record the word 'deceased' against the name of Abid Hussain Patel.
6. Let the amended cause title be filed.
7. Accordingly, defect No.4 stands overruled.
8. Application No.1/2025 stands disposed of.

9. Two weeks' time is granted to learned counsel for the appellant to remove the other defect(s) pointed out by the Registry.

10. List this matter after two weeks.

(BIPIN GUPTA),J

MAHIMA/89