

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Restoration Application No. 368/2025

In

S.B. Civil First Appeal No.63/2023

Madanlal S/o Khairatiram

-----Petitioner

Versus

Gullaram S/o Kanha

-----Respondent

For Petitioner(s) : Mr. J.K. Moolchandani

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

06/10/2025

1. The first appeal was filed by defendant on 09.12.2022, assailing the judgment and decree dated 19.07.2012 passed in Civil Suit No.43/2011 by the Additional District Judge, Sambhar Lake, District Jaipur.
2. The first appeal was lying in the defect category and on account of peremptory order dated 11.09.2023, same came to be dismissed on 28.11.2023. Thereafter, respondent No.1-plaintiff has passed away on 13.10.2024. Hence, appellants have moved present application for restoration of the first appeal alongwith application under Order 22 Rule 4 & 9 CPC, to set aside the abatement of appeal and to take legal representatives of deceased respondent No.1-plaintiff on record, as also application under Section 5 of Limitation Act, for condonation of delay.
3. Let notice of restoration application, applications under Order 22 Rule 4 & 9 CPC and Section 5 of the Limitation Act, be issued to the legal representatives of respondent No.1-plaintiff.

(SUDESH BANSAL),J