

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Writ Miscellaneous Application No. 292/2024

In

S.B. Civil Writ Petition No.9149/2017

Ram Swaroop Shringi S/o Late Shri Prabhulal & Ors.

-----Petitioners

Versus

The State Of Rajasthan & ors.

-----Respondents

For Petitioner(s)	:	Mr. N. K. Maloo, Sr. Advocate Assisted by Mr. Ajit Maloo
For Respondent(s)	:	Mr. Neeraj Batra, GC

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

08/07/2025

1. Instant misc. application was filed on behalf of applicants-plaintiffs stating *inter alia* that private respondent No.4-Shri Dinesh Chand is alive, seeking to recall the order dated 29.07.2024 and S.B. Civil Writ Petition No.9149/2017 has been sought to be revived.
2. It has *inter alia* been stated that the writ petition being S.B. Civil Writ Petition No.9149/2017, filed by the petitioners, was dismissed vide order dated 29.07.2024 on the premise that private respondent No.4 has passed away, but this fact is incorrect.
3. This Court, on the present application, vide order dated 13.11.2024 directed to issue notices and to serve copy of the application in the office of Government Counsels.
4. It appears from the record that initially applicants filed incorrect notices of respondent No.4. Thereafter, opportunity was given to file correct notices, which were filed for the wrong

address of Kota, hence, notices returned unserved with report that address of respondent No.4 is incorrect.

5. In the present application, the address of respondent No.4 has been indicated of Kota, but learned Senior Counsel appearing on behalf of applicants states that the correct address of respondent No.4 is of Jodhpur, however no such application has been filed on record.

6. It is apparent that applicants are highly negligent in taking appropriate steps to serve the notice of private respondent No.4, if he is alive, however in the interest of justice, one more opportunity is granted to the applicants to move an application to provide correct address of private respondent No.4 for issuance of notice but simultaneously, applicants are required to be saddled with cost of Rs.10,000/- for misusing the process of law and wasting valuable time of the Court.

7. The cost of Rs.10,000/- be deposited with the Litigants Welfare Fund through Banker's Cheque/ DD in the name of Registrar General LWFA, Rajasthan High Court within a period of seven days.

8. The deposition of cost shall be precedent to take up the matter on Board, failing which the present application shall be treated as dismissed for non-prosecution.

9. In the meanwhile, counsel for the applicants may serve a copy of the application in the office of Mr. Neeraj Batra, GC. His name be shown in the cause list.

(SUDESH BANSAL),J