

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Application No. 32/2026

In

S.B. Civil First Appeal No.305/2005

Smt. Kalawati Devi Alias Gheesi Devi W/o Shri Mamchand,

-----Petitioner

Versus

Loonkaran Son Of Shri Devkaran,

-----Respondent

For Petitioner(s)	:	Mr. L.L. Gupta
For Respondent(s)	:	Mr. J.P. Goyal, Sr. Advocate with Ms. Jyoti Swami

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

25/03/2026

1. Aggrieved from order dated 22.11.2023 in S.B. Civil First Appeal No. 305/2005 whereby the appeal was abated, current application is filed for setting aside of abatement.
2. Learned counsel for the petitioner has submits that during course of hearing they have come to know about death of respondent No.1-Loonkaran and he has filed an application under Rule 148 of the Rajasthan High Court Rules, 1952 read with Section 151 CPC to bring legal heirs of respondent No.1-Loonkaran on record in the instant application so as to contest the application for setting aside of abatement filed under Order XXII Rule 4 read with Section 151 of CPC.
3. Learned Senior Advocate appearing on behalf of the respondents in S.B. Civil First Appeal No.305/2005 submits that

now he is not having any instruction to appear on behalf of the parties after dismissal of first appeal on 22.11.2023.

4. Having considered aforesaid, the application is allowed to the extent of arraying Vijay Laxmi widow of Late Loonkaran, Ankit Sharma S/o Late Loonkaran, Akash Gaur S/o Late Loonkaran, Purnima Gaur D/o Late Loonkaran and Brijesh Gaur S/o Late Loonkaran in place of Loonkaran-non applicant in the application so as to decide the application for setting aside of abatement passed by this Court.

5. Amended cause title is taken on record.

6. Issue notice to the respondent/non-applicant Nos.1/1 to 1/5 and 2.

7. Additional service of notice by speed post is also permitted.

8. List on 04.05.2026.

(ASHOK KUMAR JAIN),J