

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16049/2024

Mohit Bhatnagar, S/o Late Shri Gaurish Bhatnagar

-----Petitioner

Versus

Dev Kumar Godika, S/o Shri Laxmanlal & Ors.

-----Respondents

For Petitioner(s) : Mr. Prakhar Gupta

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

16/10/2024

1. It has been submitted that petitioner is a necessary and property party in his personal capacity on the basis of MOU in the present suit for specific performance as also for cancellation of sale deed, which has been transferred to the commercial Court, but his application under Order 1 Rule 10 CPC has been dismissed by the commercial Court vide order impugned dated 23.09.2024, that too with costs of Rs.1 lac.

2. Heard.

3. Issue notice to respondents No.1 to 6.

On the prayer of counsel for petitioner, issuance of notice to respondent No.7 is waived.

4. In the meanwhile, operative portion of the impugned order dated 23.09.2024, in respect of imposing costs of Rs.1 lac on the petitioner, shall remain stayed and the proceedings of the Civil Suit No.497/2023 pending before the Commercial Court No.1, Jaipur Metropolitan-II, Jaipur suit may be continued, however, no final judgment on merits shall be passed.

(SUDESH BANSAL),J