

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil First Appeal No. 1016/2019

Abdul Rashid S/o Ahmad Khan

----Appellant

Versus

Smt. Bashiran W/o Ahmad Khan

----Respondent

For Appellant(s) : Mr. Mohit Gupta

For Respondent(s) : Mr. Abhimanyu Singh Sirohi

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

28/11/2022

An application (I.A.No.01/2022) has been filed by legal representatives of sole appellant-Abdul Rashid, under Order 22 Rule 3 CPC seeking their substitution in place of deceased appellant.

For reasons mentioned in the application, the same is allowed. The factum of death of deceased appellant is taken on record. Legal representatives of deceased appellant, named in the application, are allowed to be substituted in his place.

Counsel for appellant is directed to file amended cause title within a period of two weeks.

Accordingly, application (I.A.No.01/2022) stands disposed of.

The instant first appeal has been filed, challenging the judgment and decree dated 26.08.2019, whereby and whereunder a final decree has been ordered to be passed.

Counsel for respondents-decree holders has filed application (I.A.No.01/2020) stating therein that since this Court vide order

dated 04.03.2021 passed an order of status quo and record of trial court has been summoned, therefore, final decree has not been passed hence, he has moved this application to send record in order to frame and pass the final decree.

Having considered the nature of impugned judgment, let the record of trial court be sent back to enable the trial court to frame and pass the final decree, however, the same shall not be executed.

The interim order dated 04.03.2021 stands modified accordingly.

Accordingly, application (I.A.No.01/2020) stands disposed of.

(SUDESH BANSAL),J

SACHIN/45

