

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16682/2024

Mohd. Rafiq Ahmad S/o Late Rakku Khan

-----Petitioner

Versus

Abdul Jabbar S/o Late Sardar Khan (since deceased) through
LRs.

-----Respondents

For Petitioner(s) : Ms. Pallavi Mehta

For Respondent(s) : Mr. Jaideep Singh

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

24/10/2024

1. It has been contended by counsel for petitioner that in Civil Misc. Appeal No.88/2019, the sole respondent (decree holder) passed away on 18.08.2020 during the period of Covid-19 and in that respect, an application under Order 22 Rule 4 CPC was moved on 23.10.2021. The application under Order 22 Rule 4 CPC has been dismissed by the appellate Court and the appeal has been declared abated vide order impugned dated 10.09.2024, whereas from 15.03.2020 to 28.02.2022 during that period, as per the judgment of Hon'ble Supreme Court **In Re: Cognizance for Extension of Limitation [(2022) 3 SCC 117]**, limitation has extended, hence the application should have been treated as within limitation.

2. In order to issue notice to legal representatives of deceased respondent, an application (IA No.1/2024) has been filed by petitioner to take legal representatives of deceased respondent on record.

For reasons mentioned in the application, the same is allowed. Legal representatives of deceased respondent, named in the application, are taken on record. Amended cause title, enclosed with the application, is also taken on record.

3. On behalf of legal representatives of deceased respondent i.e. respondents No.1/1 to 1/3, counsel has put in appearance, hence no need to issue notice. Service be treated as complete.

4. Let present matter be listed tomorrow i.e. on 25th October 2024.

5. Application (IA No.1/2024) stands disposed of accordingly.

(SUDESH BANSAL),J

Sachin/16