

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 352/2024

Gorang Ranjan S/o Shri Devendra Singh,

-----Petitioner

Versus

Atharv Rana S/o Shri Devendra Singh

-----Respondent

For Petitioner(s) : Mr. Sandeep Kalwaniya with
Mr. Pradeep Mathur

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

12/12/2024

1. Aggrieved from dismissal of application under Order VII Rule 11 CPC on 25.05.2022 in civil suit No.611/2022 instant revision petition is preferred by petitioners defendants.
2. Office has pointed out a delay of 827 days and to substantiate the reason of delay, an application under Section 5 of Limitation Act has been filed.
3. After considering the matter on 06.12.2024, an additional affidavit of Smt. Ruchi Sharma is filed on record along with documents related to treatment of Smt. Meena Sharma (mother of petitioner No.2) with a copy death of certificate of Smt. Meena.
4. Having considered the submissions of learned counsel for petitioner, it is appropriate to issue notice to respondent No.1, through his natural guardian (mother) and respondent No.2).
5. Additional set be sent through registered speed post.
6. Learned counsel for appellant has referred order dated 10.08.2016 and submitted that to claim this property, Devendra

Singh (husband of petitioner No.2) has also filed civil suit and same was rejected by learned Additional Civil Judge No.2, Jaipur Metro under Order VII Rule 11 CPC on 10.08.2016 and aggrieved from aforesaid rejection, a civil appeal No.286/2018 was filed and same was dismissed in abatement on 02.03.2020 by learned Additional District Judge No.12, Jaipur Metro. He submitted that the suit property as mentioned in para 3 of the plaint was purchased by petitioner No.2 from her own income and to substantiate claim, he referred registry in name of respondent No.2. He also submitted that PPO of petitioner No.2 is placed on record, which clearly shows that she was earning sufficiently as she retired from the post of Associate Professor from Department of College Education, Government of Rajasthan. He also submitted that after death of Devendra Singh, a female friend of deceased husband of Ruchi Sharma (petitioner No.2) has filed a civil suit for injunction with her minor son to claim this self acquired property of petitioner No.2.

7. Having considered aforesaid, proceedings before learned trial court shall remain stayed till next date of hearing.

8. List on 24.01.2025.

(ASHOK KUMAR JAIN),J