

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 47/2025

Suresh Devi Wife Of Sawai Singh, Aged About 62 Years, Resident Of Gheeloth, Tehsil Neemrana, District Alwar (Raj.).

----Appellant

Versus

Rakesh Kumar Son Of Shri Meharchand, Resident Of Riwala Gate, Ward No. 03, Near Indane Gas Agency, Jhajjar Tehsil And District Jhajjar, Haryana.

----Respondent

For Appellant : Mr. Prakash Kumar Jha, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

24/01/2025

1. This appeal has been filed by the appellant under Order XLIII Rule 1(d) of the CPC, 1908 challenging the order dated 03.09.2024 passed by Additional District Judge No.2, Behror, District Alwar, whereby learned trial Court has dismissed the application filed by the appellant under Order IX Rule 13 read with Section 151 of CPC.

2. Learned counsel for the appellant submits that no proper opportunity was given to the appellant (who was defendant) in the suit filed by the respondent, and the same was disposed of *ex-parte*, vide judgment and decree dated 11.07.2012 passed by the Additional District Judge (Fast Track), Behror, District Alwar. Learned counsel also submits that the execution proceedings in the *ex-parte* judgment and decree dated 11.07.2012 is going on,

therefore, the execution proceedings may be stayed till final disposal of this appeal.

3. The matter requires consideration.
4. Looking to the facts and circumstances of the case, let notice be issued to the sole respondent by ordinary course as well as registered post, returnable within three weeks. Requisites be filed within a period of one week, failing which this order shall lose its efficacy.
5. Notices be given 'dasti', as prayed.
6. List the matter after three weeks.
7. Till then, Additional District Judge No.2, Behror, District Alwar is directed not to proceed further, till the next date of hearing.

(ASHUTOSH KUMAR),J