HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13704/2019

Shakuntala Daughter Of Amilal, Aged About 51 Years, By Caste Chamar, Resident Of Ujoli, Tehsil Kotkasim, District Alwar, Rajasthan.

----Petitioner

Versus

1. Daulati, Widow Of Lalaram
2. Manju, Daughter Of Lalaram
3. Madan Lal, Son Of Lalaram
4. Ram Pal, Son Of Lalaram
5. Kuldeep Son Of Lalaram, By Caste Dhanak, Resident Of Pur, Tehsil Kotkasim, District Alwar, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Alok Chaturvedi, Adv.
For Respondent(s)	:	Mr. Shriram Yadav, Adv.

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

11/12/2024

By way of this petition, the petitioner has challenged the order dated 01.05.2019 passed by the Additional District Judge No.2, Kishangarh-Bas, Alwar, whereby the Appellate Court has decided the application filed by the petitioner under Order 41 Rule 27 CPC. Learned counsel for the petitioner submits that the application under Order 41 Rule 27 CPC ought to have been decided at the time of deciding the appeal, so order dated 01.05.2019 passed by the Appellate Court be set aside and the Appellate Court be directed to decide the application filed by the

petitioner under Order 41 Rule 27 CPC simultaneously with the appeal.

I have considered the arguments advanced by learned counsel for the petitioner as well as respondent(s).

Taking into consideration the facts and circumstances of the case, the petition filed by the petitioner deserves to be allowed, which stands allowed and order dated 01.05.2019 passed by the appellate court is set aside. The appellate court is directed to decide the application filed by the petitioner under Order 41 Rule 27 read with Section 151 CPC simultaneously at the time of deciding the appeal without being influenced by its order dated 01.05.2019.

(NARENDRA SINGH DHADDHA),J

AVINASH GULERIA /300