HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 1377/2024

Mohan Lal S/o Shri Hanuman Prasad, Aged About 41 Years, R/o Bheda Ki Dhani, Bhadwa, Tehsil Fulera, District Jaipur, Rajasthan.

----Petitioner

Versus

1. Smt. Sajjan Kanwar W/o Late Shri Moti Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
2. Bhawani Singh S/o Late Shri Moti Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
3. Mahaveer Singh S/o Late Shri Moti Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
4. Shanker Singh S/o Late Shri Moti Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
5. Smt. Uchchhav Kanwar W/o Late Shri Hari Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
6. Jalam Singh S/o Late Shri Hari Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
7. Padam Singh S/o Late Shri Hari Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
8. Puran Singh S/o Late Shri Hari Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
9. Smt. Vishnu Kanwar W/o Late Shri Fateh Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
10. Jitendra Singh S/o Late Shri Fateh Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
11. Ajay Singh S/o Late Shri Fateh Singh, R/o Lunwa, Tehsil Nawa, District Nagaur.
12. State Of Rajasthan, Through The District Collector, Nagaur District Nagaur.
13. Sub Registrar, Nawa, District Nagaur.
14. Govind Singh S/o Late Shri Kishore Singh, Aged About 69 Years, Resident Of Village Lunwa,tehsil Nawa, District Nagaur At Present Residing At Dodiya, Kishangarh Renwal, District Udaipur.
15. Sumer Singh S/o Late Shri Kisore Singh, Aged About 62 Years, Resident Of Village Lunwa,tehsil Nawa, District Nagaur At Present Residing At Dodiya, Kishangarh Renwal, District Udaipur.
16. Narpat Singh S/o Late Shri Kishore Singh, Aged About 59 Years, Resident Of Village Lunwa,tehsil Nawa, District Nagaur At Present Residing At Dodiya, Kishangarh Renwal, District Udaipur.
17. Late Ram Singh S/o Late Shri Kishore Singh, Aged About 58 Years, (Death) 30.09.2021 Through Legal Hire Authority -

17/1. Pushp Kanwar W/o Late Ram Singh, Resident Of Village Lunwa, Tehsil Nawa, District Nagaur At Present Residing At Dodiya, Kishangarh Renwal, District Udaipur.

17/2. Shankar Singh S/o Late Ram Singh, Resident Of Village Lunwa, Tehsil Nawa, District Nagaur At Present Residing At Dodiya, Kishangarh Renwal, District Udaipur.

17/3. Praveen Singh S/o Late Ram Singh, Resident Of Village Lunwa, Tehsil Nawa, District Nagaur At Present Residing At Dodiya, Kishangarh Renwal, District Udaipur.

----Respondents

For Petitioner(s)	:	Mr. Manas Khatri
For Respondent(s)	:	Mr. Karan Joshi

HON'BLE MS. JUSTICE REKHA BORANA

Order

23/08/2024

1. The present writ petition has been preferred against the order dated 16.10.2023 whereby the application as preferred by the petitioner-defendant for taking on record the written statement has been rejected.

2. Learned counsel for the petitioner makes a limited prayer that the petitioner may be granted one last opportunity to file the written statement before the learned Trial Court.

3. In view of the limited prayer as made and in the interest of justice, the present writ petition is **disposed of**. One last opportunity is granted to the petitioner for filing his written statement before the learned Trial Court on or before the next date. The learned Trial Court shall take the written statement as filed by the petitioner on record subject to the petitioner depositing a cost of Rs.7,500/- on the next date itself. The cost when deposited, be released in favour of the plaintiffs.

4. If the cost as directed is not deposited on the next date, the present order shall cease to operate and learned Tribunal shall be at liberty to proceed further.

5. However, if the respondents refuse to accept the cost and wish to contest the present writ petition, they would be at liberty to get the present writ petition restored and pray for recalling of the present order. In those circumstances, further proceedings in Civil Original Suit No.62/2021 pending before Additional District Judge, Kuchaman City, District Deedwana-Kuchaman, shall remain stayed.

6. The present order has been passed by this Court without issuing notices to the respondents, in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India, keeping into consideration the fact that keeping the present petition pending after staying the further proceedings, would be against the interests of the respondents only.

7. Stay petition and all pending applications, if any, also stand **disposed of** accordingly.

(REKHA BORANA),J

208-T.Singh/-