

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil First Appeal No. 463 / 2004

Babulal 7 Ors

-----Appellants

Versus

Smt.Rajeshwari Devi & Ors

-----Respondents

For Appellant(s) : Mr. C.R. Jakhar

For Respondent(s) : Mr. Ajay Purohit

Mr. Narendra Sinwaria for respondent No.3.

HON'BLE DR. JUSTICE VIRENDRA KUMAR MATHUR

Order

25/10/2017

The application (I.A. No.3663/2015) under Order 22 Rule 4 and 9 r/w 151 CPC. The appellants filed this application on the ground that during the pendency of the appeal. The respondent No.2 Rugh Nath died on 02.02.2012 and right to suit survive against the LR's of respondent No.2. The names of LR's of respondent No.2 as mentioned in Para No.2 of the application. The notices were issued to LR's and all the LR's was duly served.

The application for condonation of delay under Section 5 of the Limitation Act was also filed for condoning the delay. Both applications are supported by an affidavit.

On the averments made in the application, delay in filing the application under Order 22 Rule 4 is condoned and LR's of

respondent No.2 are taken on record. The amended cause title has already been filed by the appellant and copy of the amended cause title to learned counsel for the respondents be given.

(DR. VIRENDRA KUMAR MATHUR), J.

Ravi Kh./53

RAJASTHAN HIGH COURT



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