

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11587/2023
(Arising out of impugned final judgment and order dated 17-11-2022
in SBCWP No. 19630/2019 passed by the High Court Of Judicature For
Rajasthan At Jaipur)

SIDHARTH SINGH RAWAL (DECEASED), THROUGH LEGAL REPRESENTATIVES &
ORS. Petitioner(s)

VERSUS

RASHMI RATHORE

Respondent(s)

(IA No. 27604/2024 - EXEMPTION FROM FILING O.T.
IA No. 27602/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 05-08-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALE

For Petitioner(s) Mr. Jaiprakash Bansilal Somani, Adv.
Ms. Shobha Somani, Adv.
Mr. Rajnish Kumar, Adv.
Mr. Manoj Kumar Chowdhary, Adv.
Mr. Nishant Verma, Adv.
Ms. Mamta Rani Adv.
Ms. Shruti Kriti, Adv.
Ms. Shisha Chawla, Adv.
Ms. Ekta Verma, Adv.
Mr. Vijay Kumar Sharma, Adv.
Mr. Vivek Sharma, AOR

For Respondent(s) Mr. Anish Maheshwari, Adv.
Mr. Vijay Kumar Maurya, Adv.
Mr. Aayushmaan Vatsyayana, Adv.
Mr. Aman Malik, AOR

UPON hearing the counsel the Court made the following
O R D E R

The application filed by the petitioners for
taking additional documents on record before the

Trial Court which was hearing an application under Order 9 Rule 13 of the Civil Procedure Code, 1908 (CPC) for setting aside *ex parte* decree was rejected by the Trial Court vide order dated 19th September 2019.

Aggrieved by the same, the petitioner preferred, writ petition under Article 227 of the Constitution of India before the High Court which was dismissed vide order dated 17th November, 2022, the order impugned in the present petition.

During the pendency of this petition, the Trial Court proceeded to decide the Order 9 Rule 13 CPC application by a detailed order dated 15th July, 2023 which has been filed as Annexure R-1 along with IA No. 27602/2024. Against the rejection of the application under Order 9 Rule 13 CPC by the aforesaid order(s), the petitioners have preferred a Civil Miscellaneous Appeal before the District Judge, Kota, registered as CMA No. 106 of 2023. A copy of the Memorandum of Appeal has also been filed as Annexure R-2 with the aforesaid application. According to the learned counsel for the parties the same is still pending before the Appellate Court.

In view of the above, this petition has been rendered infructuous as the matter has proceeded further and in the appeal which is pending before the

District Judge, Kota, the point which is being argued here regarding additional documents being taken, is already raised and the Appellate Court will decide the same on its own merits in accordance with law.

This petition does not require any further consideration and is accordingly dismissed.

Pending interlocutory application(s), if any, stands disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)