

(2023) 09 MP CK 0048

In the Madhya Pradesh High Court

Case No : Second Appeal No. 575 Of 2012

Rugnath Singh And Anr. And Others

APPELLANT

Vs

Devbai And Anr. And Others

RESPONDENT

Date of Decision : 06-09-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Order 22 Rule 3, Order 22 Rule 9
Limitation Act, 1963 — Section 5

Citation : (2023) 09 MP CK 0048

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Rakesh S. Laad, Gopal Singh Chouhan, Chandrakant Verma

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

Heard on I.A. No.3894 of 2023 which is an application filed under Order 22 Rule 3 of CPC; I.A. No.3897/2023 which is an application filed under Order 22 Rule 9 of CPC for setting aside the abatement; and I.A. No.3896 of 2023 which is an application filed under Section 5 of Limitation Act.

Counsel for the respondent has vehemently opposed the applications. On due consideration and the reasons assigned in the applications, the same are allowed.

Although the applications have been allowed, however, the notices are still be issued to respondent No.2 C, D and E through Dasti mode on payment of process fee within a week, returnable within further four weeks time so that they can file their reply/Vakalatnama.

Counsel for the appellants is directed to carry out the necessary amendment within a week's time.

Considering the fact that the civil suit was filed in the year 2007 and the appeal is pending since 2012, matter may be heard finally at an early date.

Accordingly, it is directed that the matter be listed for final hearing in the week last week of January, 2024 in the final hearing list.