

(2024) 04 RAJ CK 0042

In the Rajasthan High Court

Case No : Miscellaneous Application No. 24 Of 2024

Sikander Mukhia And Others

APPELLANT

Vs

Karuna Devi

RESPONDENT

Date of Decision : 09-04-2024

Acts Referred:

Code of Civil Procedure, 1908 — Section 151

Citation : (2024) 04 RAJ CK 0042

Hon'ble Judges : Madan Gopal Vyas, J

Bench : Single Bench

Advocate : Sikandra Mukhia

Final Decision : Dismissed

Judgement

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Madan Gopal Vyas, J

1. Heard the applicant on application under Section 151 of CPC for recalling of the order dated 12.01.2024 passed in S.B. Civil First Appeal No. 09/2023.
2. The applicant, present-in-person submits that there was no instruction on behalf of the applicant to his counsel to confine his prayer to the extent of granting time to vacate the suit premises. However, his counsel got the first appeal dismissed as withdrawn and agreed for vacation of suit premises by 31.01.2025. In alternative, the applicant, present-in-person submits that he may be granted more time to vacate the suit premises.
3. Heard the applicant and perused the material available on record.
4. From the contents of the entire application, it is clear that the applicant in order to delay to vacate the suit premises, is unnecessarily making allegations against the counsel appearing for the petitioner and no satisfactory and good reasons have been narrated by him for recalling the order dated 12.01.2024. There is specific finding against the petitioner in the judgment dated 30.09.2022

passed by the learned Special Judge, NDPS Cases, Sri Ganganagar in Civil Original Suit No.68/2015 (hereinafter referred to as 'the learned trial Court') and the learned trial Court granted 60 days' time to the applicant to vacate the suit premises. Thereafter, on 08.12.2022, the civil first appeal was preferred by the applicant challenging the judgment and decree dated 30.09.2022. On 12.01.2024, this Court while dismissing the first appeal granted time to the applicant to vacate the suit premises up till 31.01.2025.

5. In view of the above, this Court is not inclined to entertain the present civil misc. application and the same is hereby dismissed.