

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

D.B. Civil Misc. Appeal No. 1581 / 2017

Smt. Arpita Bhati Daughter of Late Shri Mahendra Singh Bhati,
Resident of Baghar Chowk, Near Vishwakarma Haweli, Jodhpur
(Rajasthan) At Present Resident Of- House No. 215, Rajendra
Nagar, Bharatpur (Rajasthan) At Present Resident Of- 142, Sector
C, Rajeev Nagar, Mahamandir Teesari Pol, Jodhpur (Rajasthan)

----Appellant



Versus

Sunil Indora Son of Late Shri Suraj Mal Indora, By Caste Indora,
Resident of House No. 815/1, Anand Nagar, Christian Nagar, Ajmer
At Present Resident of House No. 215, Rajendra Nagar, Bharatpur
(Rajasthan)

----Respondent

For Appellant(s) : Mr. M.K. Trivedi

For Respondent(s) : Mr.N.R. Goswami

HON'BLE MR. JUSTICE GOPAL KISHAN VYAS

HON'BLE MR. JUSTICE RAMCHANDRA SINGH JHALA

Order

13/03/2018

In this appeal admittedly appellant is challenging the ex-
parte decree but before filing of this appeal, an application under
Order 9 Rule 13 CPC was filed by the appellant before the Family
Court on the same day and that application is still pending.

In view of the above, the instant Misc. Appeal is hereby
disposed of with direction to the Family Court to first decide the
application filed by the appellant under Order 9 Rule 13 CPC within
one month from the date of receipt of certified copy of this order.

Till disposal of the application interim order, if any, passed in this appeal shall remain in currency. However, it is made clear that in the event of allowing of the application under Order 9 Rule 13 of the CPC it is obvious that Family Court will require to record the evidence also.



(RAMCHANDRA SINGH JHALA) J.

(GOPAL KISHAN VYAS) J.



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