

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

S.B. Civil First Appeal No. 90/2023

1. State of Rajasthan, through District Collector, Hanumangarh.
2. Executive Engineer, Survey and Investigation Lift, Division First, Indira Gandhi Neher Project, Rawatsar, District Hanumangarh

----Appellants

Versus

M/s. DC Construction Company, Shyorani Tehsil Nohar Dist. Hanumangarh through Dunichand S/o Shyokaran R/o Shyorani Tehsil Nohar Dist. Hanumangarh.

----Respondent

For Appellant(s)	:	Mr. Manish Tak, Dy.G.C. Mr. Amichand Shanw, XEN, appellant No.2 is present in-person
For Respondent(s)	:	--

HON'BLE MS. JUSTICE REKHA BORANA

Order

21/03/2023

Learned counsel for the appellants raised three grounds:-
Firstly, the claim as raised by the claimant-respondent was barred in terms of Clause 23 of the Agreement; **Secondly**, the claim was barred by the law of limitation and **Thirdly**, the past interest as awarded by the Court was totally in contravention to the basic provisions of law as well as the terms of the agreement.

In view of the submissions made, Admit. Issue notice. Issue notice of the stay application also.

Notices be filed in two sets. One set of notices be given 'dasti' to learned counsel for the appellants for service through

registered post, acknowledgement due. Notices be made returnable within a period of four weeks.

Meanwhile, the effect and operation of the impugned judgment and decree dated 03.09.2022 passed by learned Additional District Judge No.1, Hanumangarh in Civil Original Suit (C.I.S.) No.208/2014 shall remain stayed subject to the appellant State depositing the principal amount of Rs.5,00,000/- along with the interest @ 6% from the date of filing of the suit till the date of payment within a period of two months from today with the Trial Court.

The amount when deposited be disbursed to the claimant.

(REKHA BORANA),J

1-Sachin/-