

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

S.B. Civil Writ Petition No. 1269/2025

Bharat Gehlot Alias Bheraram S/o Shri Kanaji, Aged About 35 Years, R/o Piyau Wali Gali, Rajendra Nagar, Jalore, Tehsil And District Jalore (Raj.).

-----Petitioner

Versus

Jagdish Dadhich S/o Dr. Damodar Dadhich, R/o Industrial Second Phase, Near Godiji, Jalore, Tehsil And District Jalore (Raj.).

-----Respondent

For Petitioner(s)	:	Mr. D.K. Godara, Advocate
For Respondent(s)	:	

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

25/07/2025

1. Learned counsel for the petitioner submits that against the ex-parte decree dated 14.01.2015, petitioner had filed an application under Order IX, Rule 13 read with Section 151 of the Code of Civil Procedure seeking to set aside the ex-parte decree, which is pending consideration before the trial Court. He further submits that, during the pendency of the application, in execution proceedings, the decree-holder has taken possession of the Duster Car bearing Registration No. RJ-19-CD-3879.
2. Issue notice to the respondent. Issue notice of the stay petition also.
3. Rule is made returnable within four weeks.
4. Process fee and notices be filed within one week.
5. List the matter after four weeks.

6. In the meanwhile, if the petitioner deposits ₹5,00,000/- with the decree-holder within a period of one month from today, the decree-holder shall hand over possession of the Duster Car bearing Registration No. RJ-19-CD-3879 to the petitioner. The amount so deposited shall be subject to the outcome of the application under Order IX, Rule 13 read with Section 151 CPC pending before the trial Court.

(SANDEEP SHAH),J

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