

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

S.B. Civil Misc. Appeal No. 867/2020

1. Komal Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 66 Years, R/o 503 Panchratan Complex, Bedala Road, Udaipur (Raj.)
2. Tribhuvan Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 60 Years, R/o 48 D, Panchwati, Udaipur (Raj.)
3. Rajendra Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 58 Years, R/o Kothari Ji Ki Haveli, 96, Jagdish Road, Udaipur (Raj.)
4. Ranveer Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 53 Years, R/o 8 Shiv Santosh Mordern Complex, Bhuwana, Udaipur.

----Appellants

Versus

1. State Of Rajasthan, Through Tehsildar, Girwa
2. Secretary Urban Improvovement Trust, Udaipur
3. Smt. Shakuntala Bhansali W/o Late C.p. Bhansali, (D/o Dulhe Singh Kothari), R/o 5/96 Bhwani Singh Lane, Bhawani Singh Road, Jaipur (Raj.)
4. Mohan Singh Kothari S/o Late Tej Singh Kothari, R/o Kothari Ji Ki Haveli, 96 Jagdish Road, Udaipur (Raj.)

----Respondents

Connected With

S.B. Civil Misc. Appeal No. 817/2020

1. Komal Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 66 Years, R/o 503, Panchratan Complex, Bedala Road, Udaipur (Raj.)
2. Tribhuvan Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 60 Years, R/o 48 D, Panchwati, Udaipur (Raj.)
3. Rajendra Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 58 Years, R/o Kothari Ji Ki Haveli, 96, Jagdish Road, Udaipur (Raj.)
4. Ranveer Singh Kothari S/o Late Shivdan Singh Kothari, Aged About 53 Years, R/o 8 Shiv Santosh Modern Complex, Bhuwana, Udaipur.

----Appellants

Versus

1. State Of Rajasthan, Through Tehsildar, Girwa
2. Secretary, Urban Improvement Trust, Udaipur
3. Smt. Shakuntala Bhansali W/o Late C.p. Bhansali, Aged About 73 Years, (D/o Dulhe Singh Kothari), R/o 5/96 Bhwani Singh Lane, Bhawani Singh Road, Jaipur (Raj.)
4. Mohan Singh Kothari S/o Late Tej Singh Kothari, Aged About 84 Years, R/o Kothari Ji Ki Haveli, 96, Jagdish Road, Udaipur (Raj.)

----Respondents

For Appellant(s) : Mr. Muktesh Maheshwari
For Respondent(s) :

HON'BLE MR. JUSTICE ARUN BHANSALI
Order

26/07/2021

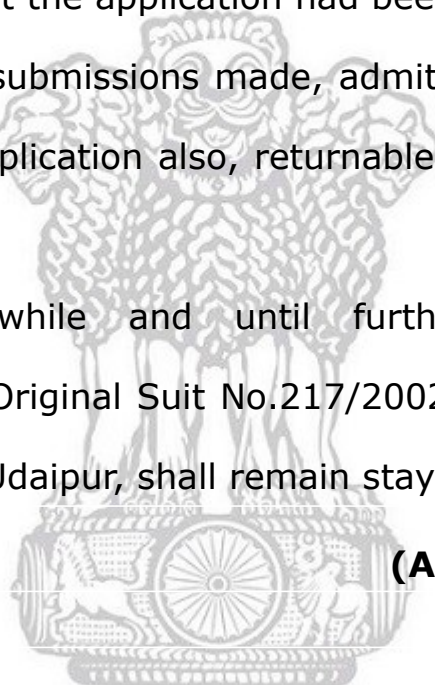
It is submitted by learned counsel for the appellants with reference to the application filed by the respondent – Urban Improvement Trust (UIT) under Order XLI Rule 27 CPC that the appellate court was not justified in accepting the application, inasmuch as, none of the ingredients as indicated in the provisions were satisfied and, therefore, the judgment impugned passed, based on the fact that the application had been accepted, is bad.

In view of the submissions made, admit. Issue notice. Issue notice of the stay application also, returnable within a period of 6 weeks.

In the meanwhile and until further orders, further proceedings in Civil Original Suit No.217/2002 pending before the Civil Judge (North), Udaipur, shall remain stayed.

(ARUN BHANSALI),J

6-7-Sachin/-



सत्यमेव जयते