

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

S.B. Civil Writ Petition No. 3762/2026

Srikishan Jangu S/o Shri Hardeen Ram Jangu, Aged About 69
Years, R/o Village Gunsali, Kiroda Via Badi Khatu, Tehsil Degana,
District Nagaur.

----Petitioner

Versus

Purkha Ram Choudhary S/o Harsukhram Choudhary, R/o Plot No.
111, In Front Of Gautam Public School, Dhanesh Nagar, Saran
Nagar, Banar Road, Jodhpur.

----Respondent

For Petitioner(s) : Dr. Sachin Acharya, Sr. Counsel
assisted by Mr. Rakesh Chotia and
Mr. Rajdeep Singh Chouhan.

For Respondent(s) :

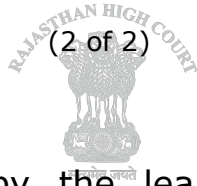
HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

18/02/2026

Learned Senior Counsel, Dr. Sachin Acharya, assisted by Mr. Rakesh Chotia submits that while deciding the application seeking release of amount deposited by the petitioner, on the ground of withdrawal of undertaking, the learned Trial Court failed to take into consideration the fact that the execution proceedings pending before the learned Commercial Court, Ajmer, had been stayed with the consent of both the parties and an undertaking to that effect had already been given by the respondent.

Learned Senior Counsel further submits that in view of Section 36(3) of the Arbitration and Conciliation Act, 1996, upon filing an application seeking stay of the arbitral award, the learned Commercial Court is competent and has the jurisdiction to grant stay of the impugned award. It is, therefore, contended that the



impugned order passed by the learned Commercial Court is arbitrary and unsustainable in the eye of law.

The matter requires consideration.

Issue notice to the respondent(s), returnable within four weeks.

In the meanwhile and till next date, effect, operation and execution of award dated 15.01.2022 (Annex.2) passed by the learned Sole Arbitrator (Mandal Prasad Bohra) shall remain stayed.

(MUKESH RAJPUROHIT),J