

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

S.B. Civil First Appeal No. 137/2019

Puran Chand S/o Shri Takan Das, aged about 59 years, B/c Raheja (Punjabi), R/o Chounkhunti Mohalla Bikaner.

----Appellant

Versus

Pawan Kumar @ Monu S/o Shri Saidas, B/c Raheja (Punjabi), R/o Chounkhunti Mohalla, Bikaner.

-----Respondent

For Appellant(s) : Mr. C.S. Kotwani

For Respondent(s) : Mr. Hemant Balani for Mr. Vikas Balia

JUSTICE DINESH MEHTA

Order

26/04/2019

Heard.

Admit. Issue notice.

Mr. Hemant Balani for Mr. Vikas Balia, learned counsel accepts notices on behalf of the respondent.

Stay Application No.584/2019

Heard.

It is deemed expedient and hence ordered that effect and execution of the impugned judgment and decree dated 26.02.2019 shall remain stayed till disposal of the present appeal, subject to the following conditions:-

- (i) Appellant shall deposit the entire arrears of 'mesne profit' awarded by the Trial Court on or before 31.05.2019.

- (ii) Appellants shall pay 'mesne profit' of Rs.8,000/- per month w.e.f. 01.05.2019 by 7th day of the next month. First such payment shall be made on or before 07.06.2019.
- (iii) The amount aforesaid may be deposited in Trial Court or in the Bank account of the respondent. Learned counsel for the respondent may give relevant particulars to the learned counsel for the appellants within ten days from today, if the respondent wants the amount to be deposited in his account. If the amount is deposited in Trial Court, the respondent shall be entitled to withdraw the same.
- (iv) The appellant shall neither part with the possession nor bring about any material change in the nature and use of the subject premise/land.
- (v) Needless to observe that the failure to pay any of the above-mentioned amounts, within the time prescribed, would entail automatic annulment of the order instant.

The stay application stands disposed of accordingly.

(DINESH MEHTA),J