

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

S.B. Civil First Appeal No. 148/2023

1. Aslam Khan S/o Shri Mubarak Khan, Aged About 37 Years, Resident of Poty, Tehsil and District Churu.
2. Iqbal S/o Shri Yusuf Khan, Aged About 38 Years, Resident of Ward No. 10, Tehsil and District Churu.

----Appellants

Versus

1. Smt. Vinod W/o Late Shri Deep Chand, Resident of Ward No. 3, Tehsil and District Churu.
2. Yogita D/o Late Shri Deep Chand, Minor Through Their Natural Guardian Mother Smt. Vinod W/o Late Shri Deep Chand Resident of Ward No. 3, Tehsil And District Churu.
3. Punit Kumar S/o Late Shri Deep Chand, Minor Through Their Natural Guardian Mother Smt. Vinod W/o Late Shri Deep Chand Resident of Ward No. 3, Tehsil And District Churu.
4. Himanshu S/o Late Shri Deep Chand, Minor Through Their Natural Guardian Mother Smt. Vinod W/o Late Shri Deep Chand Resident of Ward No. 3, Tehsil And District Churu.
5. Jodhpur Vidyut Vitran Nigam Limited, Churu through Assistant Engineer (City)
6. Jodhpur Vidyut Vitran Nigam Limited, Churu through Executive Engineer.
7. Jodhpur Vidyut Vitran Nigam Limited, Near Power House, Jodhpur through Managing Director.
8. Chhagan Lal S/o Shri Bishna Ram, Resident of Ward No. 3, Tehsil and District Churu.

----Respondents

For Appellant(s) : Mr. Vipin Makkad

For Respondent(s) : --

HON'BLE MS. JUSTICE REKHA BORANA

Order

09/05/2023

1. Admit. Issue notice. Issue notice of stay petition 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.

Postal receipts of the 'dasti' notices be filed within a period of one week from the date of receipt of 'dasti' notices.

2. Call for the record.

3. Learned counsel for the appellants submits that during the pendency of the proceedings an amount of Rs.1,50,000/- was paid by the appellants-defendants to the respondents-plaintiffs and therefore, the said amount be adjusted from the amount to be paid now in pursuance to the orders of this Court.

4. In view of the submission made, operation and execution of the judgment and decree dated 06.01.2023 passed by Additional District Judge, Churu in Civil Suit No.26/2019 (32/2017) shall remain stayed qua the present appellants provided an amount of Rs.1,00,000/- with interest is deposited with the learned Court below within a period of one month from today.

The amount when deposited be disbursed to the plaintiffs in terms of the decree.

(REKHA BORANA),J