

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

D.B. Spl. Appl. Writ No. 387/2025

1. Surendra Hindu Singh Bhati S/o Sh. Hindu Singh Bhati, Aged About 37 Years, R/o Behind Govt. School, Kishan Ghat, Jaisalmer, Rajasthan - 345001.
2. Mrs. Pavan Kanwar W/o Dineshpal Singh Bhati, Aged About 36 Years, R/o Ajitpur, Tejmalta, Jaisalmer, Tejmalta, Rajasthan - 345027.

----Appellants

Versus

1. Chairman, District Consumer Disputes Redressal Commission, Jaisalmer (Rajasthan).
2. Smt. Rukhmani Devi Changani W/o Sh. Braj Changani, R/o Goyadani Pada, Post Jaisalmer, Tehsil And District Jaisalmer, Rajasthan - 345001.

----Respondents

For Appellant(s)	:	Ms. Abhilash Bora with Ms. Akansha Choudhary
For Respondent(s)	:	-

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

Order

24/02/2026

1. The present Special Appeal assails the order dated 17.02.2025 passed by the learned Single Judge in the stay petition, whereby the learned Single Judge has stayed the execution of the judgment dated 07.03.2022 subject to the condition that the appellants shall deposit 50% of the amount.
2. We notice that Section 41 of the Consumer Protection Act, 2019 requires an appellant, who approaches the State Commission to deposit 50% of the amount at the appellate stage

and therefore, the appellant is not required to deposit further 50% of the amount at the stage of National Consumer Disputes Redressal Commission. Thus, it is apparent that when the appellant has challenged the order passed by the State Consumer Forum before the National Commission, further 50% was not required to be deposited.

3. In the circumstances, if the appellants have already deposited 50% of the amount at the stage of appeal, they may not deposit any further 50% of the amount. The order passed by the learned Single Judge, to that extent, has to be understood to mean that 50% of the amount which already deposited at the stage when the appeal was filed before the State Consumer Forum and not any additional 50% of the amount.

4. With the said observations, we dispose of this appeal and leave it open to the appellants to raise all arguments before the learned Single Judge in the pending writ petition.

5. The appeal stands disposed of accordingly.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACJ