

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

S.B. Civil First Appeal No. 429/2025

1. Lrs Of Smt. Kamla, W/o Shri Babulal Mali (Since Deceased)
2. Shri Mukesh Saini S/o Shri Babulal, Aged About 52 Years, R/o Maliwas, Abu Road, Dist. Sirohi (Raj.)
3. Shri Kailash Saini S/o Shri Babulal, Aged About 47 Years, R/o Maliwas, Abu Road, Dist. Sirohi (Raj.)
4. Shri Ummed Saini S/o Shri Babulal, Aged About 38 Years, R/o Maliwas, Abu Road, Dist. Sirohi (Raj.)

----Appellants

Versus

1. Bharat K. Shah S/o Shri Kantilal Shah, R/o Riico Housing Colony, Abu Road, Dist. Sirohi (Raj.)
2. Smt. Shakuntala Shah W/o Shri Bharat K. Shah, R/o Riico Housing Colony, Abu Road, Dist. Sirohi (Raj.)
3. Shri Ankit Shah S/o Shri Bharat K. Shah, R/o Riico Housing Colony, Abu Road, Dist. Sirohi (Raj.)
4. Smt. Kalpita Shah W/o Shri Ankit Shah, R/o Riico Housing Colony, Abu Road, Dist. Sirohi (Raj.)

----Respondents

For Appellant(s) : Mr. Hemant Chandra Jain

For Respondent(s) :

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

24/04/2025

1. Heard.
2. Admit.
3. Issue notice. Issue notice of the stay application as well. Notices are made returnable within a period of four weeks.
4. In the meantime, effect and operation of the judgment and decree dated 26.03.2025 passed by learned Additional District

Judge No.2, Abu Road, district Sirohi in Civil Original Suit No.29/2018 (11/2017) (CIS No.15/2017) shall remain stayed subject to the condition that the appellants-defendants shall deposit an amount of Rs.11,00,000/- (Rupees Eleven Lakhs) before the trial court within a period of three months from today.

5. In case the appellants-defendants fail to deposit the aforesaid amount within the stipulated period, the interim protection granted by this Court shall stand vacated automatically.

6. In case the appellants-defendants deposit the said amount with the trial Court within the stipulated period, the trial Court shall ensure disbursement of the said amount to the respondents-plaintiffs in accordance with law.

7. The respondents-plaintiffs shall file an undertaking before the learned trial Court that in case the appeal succeeds, they shall refund the amount so received by them along with interest as per applicable rate.

8. List this matter after four weeks.

(CHANDRA SHEKHAR SHARMA),J