

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

S.B. Civil First Appeal No. 557/2025

Smt. Pinki Rani W/o Amardas, Aged 57 Years, R/o Ward No. 09,
Present Ward No. 14, Suratgarh, Dist. Sriganganagar, Rajasthan.

----Appellant

Versus

1. Banta Singh S/o Kartar Singh, R/o Pagepar, Tehsil Kishangarh Baas, Dist. Alwar, Presently At Village Dhadhiyavali, Tehsil Suratgarh, Dist. Sriganganagar, Rajasthan (Died).
- 1/1. Bhajan Singh S/o Late Banta Singh, R/o Bheerdana, Tehsil And Dist. Fatehabad, Haryana (Died)
- 1/1/1. Atma Singh S/o Late Bhajan Singh, R/o Ward No. 25, Fatehabad, Tehsil And Dist. Fatehabad, Haryana.
- 1/1/2. Jogindra Singh S/o Late Bhajan Singh, R/o Ward No. 25, Fatehabad, Tehsil And Dist. Fatehabad, Haryana.
- 1/1/3. Puran Singh S/o Late Bhajan Singh, R/o Ward No. 25, Fatehabad, Tehsil And Dist. Fatehabad, Haryana.

----Respondents

For Appellant(s)	:	Mr. Karmendra Singh
For Respondent(s)	:	Mr. Mudit Nagpal for Mr. Monal Chugh

HON'BLE MS. JUSTICE REKHA BORANA

Order

23/02/2026

1. Admit. Issue notice.
2. Notices need not be issued as the respondents are already represented by counsel.
3. Call for the original record.
4. Heard on stay petition.
5. Counsel for the appellant submits that the learned Trial Court erroneously held the plaintiff entitled for the amount which was

qua the concession granted by the Bank on settlement of the loan account. The loan amount was admittedly deposited after the sale deed been executed in favour of the defendant. Therefore, it is only the defendant who would have been entitled for the benefit/concession, if any, granted by the Bank. Once the sale deed was executed by the plaintiff, he could not have claimed any benefit which accrued subsequently.

6. So far as the due consideration amount of Rs.2,00,000/- is concerned, Counsel submits that the same also remained paid and it is only after it being paid, that the sale deed was executed on the same date.

7. After hearing counsel for the parties, this Court is of the prima facie view that after the plaintiff sold out his property, the benefit, if any, granted by the Bank qua any head for repayment of the loan, it is only the defendant who repaid the loan who would be entitled for any such benefit. The plaintiff, after having sold out the property, could not claim any benefit arising out of the property in question.

8. So far as the amount of Rs.2,00,000/- is concerned, this Court is of the prima facie opinion that had the said amount been paid, there would have been no necessity even to execute the said agreement as the sale deed itself was being executed on the same date.

9. In view of the above, till the final hearing and disposal of the present appeal, effect, operation and execution of judgment & decree dated 29.01.2025 passed by Additional District Judge, Suratgarh, District Sriganganagar in Regular Civil Suit No.04/2015 (CIS No.10/2015) shall remain stayed subject to the appellant

depositing an amount of Rs.2,00,000/- with interest (as granted by the learned Trial Court), with the learned Trial Court within a period of four weeks from now. The amount when deposited be disbursed to the respondents.

10. Stay petition stands **disposed of**.

(REKHA BORANA),J

203-KashishS/-