

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

D.B. Civil Misc. Appeal No. 1719/2020

State of Rajasthan through Collector and Chairmen Zila Parishad
& Ors.

-----Appellants

Versus

M/s Lucky Steel and Constriction

-----Respondent

For Appellant(s)	:	Mr. Pawan Bharti, Advocate for Mr. I.R. Choudhary, AAG
For Respondent(s)	:	

HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MR. JUSTICE SANDEEP SHAH

Order

13/05/2025

This Civil Miscellaneous Appeal was filed on 17th September 2020 but thereafter it was not diligently prosecuted by the officers of the Panchayati Raj Department. Even after more than four years, the appellants have failed to serve notice upon the respondent-M/s Lucky Steel and Construction in whose favour arbitral award has been made.

2. In the meantime, this Civil Miscellaneous Appeal came to be listed on many occasions.

3. Mr. I.R. Choudhary, the learned Additional Advocate General states that the respondent is pursuing with the execution case. However, we find that the appellants have failed to avail the benefit of the provisions under Order III Rule 5 of the Code of Civil Procedure to serve the respondent through its learned counsel appearing in the execution case.

4. Notwithstanding the aforementioned laches on the part of the appellants, we grant two weeks' time on the request of Mr. I.R. Choudhary, the learned Additional Advocate General to serve 'dasti' notices to the respondent. The appellants may also take recourse to the provisions under Order III Rule 5 of the Code of Civil Procedure for serving the respondent through its learned counsel appearing in the execution case.

5. Let PF & notices be filed during the course of this week, failing which the present D.B. Civil Miscellaneous Appeal No.1719 of 2020 shall stand dismissed without further reference to the Bench.

(SANDEEP SHAH),J

(SHREE CHANDRASHEKHAR),J

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