

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

D.B. Civil Misc. Appeal No. 84/2024

Kamal Singh S/o Rekha Ram, Aged About 64 Years, R/o Village Haminpura, Post Haminpur Via Pilani, Tehsil Surajgarh, Dist. Jhunjhunu.

----Appellant

Versus

Rangpal S/o Narayan Singh, R/o Pilani, Tehsil Surajgarh, Dist. Jhunjhunu.

----Respondent

For Appellant(s)	:	Mr. Virendra Acharya
For Respondent(s)	:	Mr. Sushil Solanki

**HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI**

Order

24/05/2024

(IA No.01/2024 & 02/2024) :-

1. The application (IA No.01/2024) has been filed by the respondent – decree holder with a prayer that the amount of Rs.2,50,000/- which the appellant has deposited before concerned commercial court, be ordered to be disburse to him. Another application (IA No.02/2024) has been preferred by the respondent for vacation of the ex-parte interim order dated 05.02.2024.
2. Since the relief claimed in both the applications is connected and inter-related, we propose to dispose of both the applications by the order instant.
3. Having heard learned counsel for the parties and considering that the order under appeal is a money decree dated 12.10.2023 of Rs.8,90,000/- along with interest @ 8%, we are of the view

that the balance of equity will be struck if the appellant is directed to deposit further sum of Rs.2,00,000/-.

4. Both the applications are disposed of in the manner that if the appellant deposits a further sum of Rs.2,00,000/- on or before 31st July, 2024, the execution of decree dated 12.10.2023 shall remain stayed during the pendency of instant appeal.

5. The amount of Rs.2,00,000/- so also the amount of Rs.2,50,000/- already deposited by the appellant, shall be disbursed by the commercial court to the respondent on his furnishing solvent surety of equal amount (without insisting upon furnishing of FDR or a bank guarantee).

6. Both the applications stand disposed of accordingly.

7. Admit.

8. Issue notice. Call for the record from the commercial court concerned.

9. The interim order dated 05.02.2024 as modified by the order instant is confirmed to last till disposal of present appeal. Stay application (No.43/2024) stands disposed of accordingly.

(RAJENDRA PRAKASH SONI),J

(DINESH MEHTA),J

8-Arun/-