

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil First Appeal No. 1259/2025

Kalyan Singh

----Appellant

Versus

Smt. Lata

----Respondent

For Appellant(s)	:	Mr. Shambhoo Singh Rathore
For Respondent(s)	:	--

HON'BLE MS. JUSTICE REKHA BORANA

Order

27/04/2026

1. Admit. Issue notice.
2. Notices be filed within a period of one week.
3. Counsel for the appellant submits that if the impugned decree is not stayed, the present appeal itself shall render infructuous.
4. He submits that although it was admitted that the amount qua the loan in question was received by the defendant vide account payee cheques but then it was also proved on record that some silver and gold ornaments were kept with the plaintiff as security. The learned Trial Court erred in completely ignoring the said aspect.
5. Heard the Counsel on stay petition.
6. The learned Trial Court while deciding Issue Nos.2 and 4 specifically observed that it was an admitted case of the defendant that the amount received vide account payee cheques was not returned to the plaintiff. It was further an admitted case of the defendant that no written document was executed for the loan or

the security in question. In that event, the statement of the defendant to the extent that it was assured by the husband of the plaintiff to make appropriate entries of the receipt of the interest amount at the back of the stamp paper, clearly proves to be an unreliable version.

7. In view of the aforesaid findings recorded by the learned Trial Court and in view of the fact that the present is a money decree, this Court does not find it a fit case for granting any interim order.

8. Stay petition is hence, **dismissed**.

9. List the matter for hearing after completion of service.

(REKHA BORANA),J