

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 285/2024

Jaipur Vidhyut Vitaran Nigam Limited and Anr.

----Appellants

Versus

Geeta Devi W/o Late Padma and Ors.

----Respondents

For Appellant(s)	:	Mr. Jaivardha Singh Shekhawat
For Respondent(s)	:	Mr. Pankaj Sharma

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

14/10/2025

1. Heard counsel for both parties for admission and stay application.
2. The issue of territorial jurisdiction has already been decided against the appellants-JVVNL in the impugned judgment. There was no application of JVVNL before the trial Court raising the territorial jurisdiction as a preliminary objection in view of Section 21 of CPC or to decide this point as preliminary issue in view of Order 14(2) CPC. The trial Court has observed that since the Principal Office of JVVNL is situated at Jaipur, hence, by virtue of Section 20(a) & (b), the District Court at Jaipur has territorial jurisdiction. However, challenge to the findings of issue No.3 shall be considered at the time of hearing of the appeal to which counsel for appellants is also agreeable. In addition, appellants have questioned the quantum of compensation.
3. The first appeal is virtually the rehearing of the subject matter of the suit and requires to be considered on facts and law, hence, deserves to be admitted.

4. Admit.

5. The compensation to the tune of Rs. 11,86,504/- has been awarded in favour of respondents-plaintiffs at the age of 22 years, hence, in order to maintain equity and balance of interest in both parties, if appellants deposit a lumpsum amount of Rs. 6 lacs, out of total compensation amount within a period of four weeks before the trial Court, the execution of impugned judgment and decree dated 09.11.2023 shall remain stayed.

6. The amount so deposited by the appellants may be disbursed to the respondents-plaintiffs in the saving Bank Account so furnished by them and on furnishing an undertaking that in case, appellants succeed in the present appeal on merits, they shall restitute the amount to the appellants.

7. Record of the trial Court be sent back to deposit the compensation amount and disbursement of the same in above terms with direction that the record be sent back to this Court after doing the needful.

8. Accordingly, stay application stands disposed of.

9. Interim stay order dated 26.02.2024, staying the operation of judgment and decree stands modified accordingly.

(SUDESH BANSAL),J