

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil First Appeal No. 131/2022

1. Ajmer Discom, Room Number 6, Vidyut Bhawan, Vidyut Marg, Jyoti Nagar, Jaipur (Raj.) Through Chairman/managing Director.
2. Junior Engineer, Ajmer Discom, Jhanthri, District. Dungarpur (Raj.).

----Appellants

Versus

1. Vishram Lal S/o Sh. Ram Ji (Husband Of Deceased), Aged About 39 Years, R/o Mukam Post Reta, Police Station Ramsangda, Distt. Dungarpur (Raj.).
2. Kumari Priyanka D/o Sh. Vishramlal (Daughter Of Deceased)., Aged About 12 Years, Minor Children Through Natural Guardian And Father Sh Vishram Lal.r/o Mukam Post Reta, Police Station Ramsangda, Distt. Dungarpur (Raj.).
3. Kumari Kalpna D/o Sh. Vishramlal (Daughter Of Deceased)., Aged About 10 Years, Minor Children Through Natural Guardian And Father Sh Vishram Lal.r/o Mukam Post Reta, Police Station Ramsangda, Distt. Dungarpur (Raj.).
4. Kumari Anju D/o Sh. Vishramlal (Daughter Of Deceased), Aged About 7 Years, Minor Children Through Natural Guardian And Father Sh Vishram Lal.r/o Mukam Post Reta, Police Station Ramsangda, Distt. Dungarpur (Raj.).
5. Kumari Tejshri D/o Sh. Vishramlal (Daughter Of Deceased)., Aged About 5 Years, Minor Children Through Natural Guardian And Father Sh Vishram Lal.r/o Mukam Post Reta, Police Station Ramsangda, Distt. Dungarpur (Raj.).
6. Master Omprakash S/o Sh. Vishramlal (Son Of Deceased)., Aged About 3 Years, Minor Children Through Natural Guardian And Father Sh Vishram Lal.r/o Mukam Post Reta, Police Station Ramsangda, Distt. Dungarpur (Raj.).

----Respondents

For Appellant(s) : Mr. Anirudh Singh Rathore
For Respondent(s) :

HON'BLE MR. JUSTICE MADAN GOPAL VYAS
Order

04/05/2022

Heard

Admit.

Issue notice to the respondents. Issue notice of the stay application also, returnable within six weeks.

Call for the record.

Having regard to the facts and circumstances of the case, it is considered appropriate and hence ordered that if the appellant deposits 50% of the decretal amount alongwith the interest as mentioned in the impugned judgment and decree within the period of one month from today, the effect and operation of the impugned judgment and decree dated 3.8.2021 passed by the learned District Judge, Jaipur District, Jaipur in civil suit No. 35/2019 (242/2018) shall remain stayed.

In case, the appellant deposits 50% of the awarded amount, the same may be disbursed to the respondents in the manner and proportion as contemplated in the impugned judgment and decree with the undertaking that if the appellant in the present appeal succeeds, they shall refund the same alongwith interest in accordance with law.

It is made clear that the amount previously deposited by the appellant, if any, shall be adjusted towards the said amount.

(MADAN GOPAL VYAS),J