

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

S.B. Civil Miscellaneous Appeal No. 1456/2018

Urban Improvement Trust, Bharatpur

----Appellant

Versus

Sitaram Agarwal Thr Lrs

----Respondent

For Appellant(s) : Mr. L.L. Gupta
For Respondent(s) : Ms. Anita Agrawal

HON'BLE MR. JUSTICE BANWARI LAL SHARMA

Order

07/09/2018

Heard on I.A. No. 18417/2018 under Section 151 CPC read with Order 41 Rule 5 for extension of time in depositing the amount in terms of the order dated 16.03.2018 passed by this Court.

Learned counsel for the appellant as well as respondent both submit that the amount has already been deposited before the Court and the same has been ordered to retain in fixed deposit, therefore, there is no need to extend the time. However, the delay in depositing the amount may be condoned.

In view of above, the delay in depositing the amount is condoned and the application stands disposed of accordingly.

Heard on I.A. No. 18415/2018.

Considering the facts mentioned in the application and arguments advanced by both the parties, the application is allowed and the amount which was kept in fixed deposit vide order of this Court dated 16.03.2018 may be disbursed to respondents after furnishing their undertaking that if appellant succeeds in this

misc. appeal then they will return the amount as per direction of this Appellate Court and shall also furnish solvent security to this effect before the Court below.

So far as I.A. No. 18416/2018 under Order 41 Rule 27 CPC for taking on record the additional documents is concerned, it will be considered at the time of hearing of misc. appeal itself.

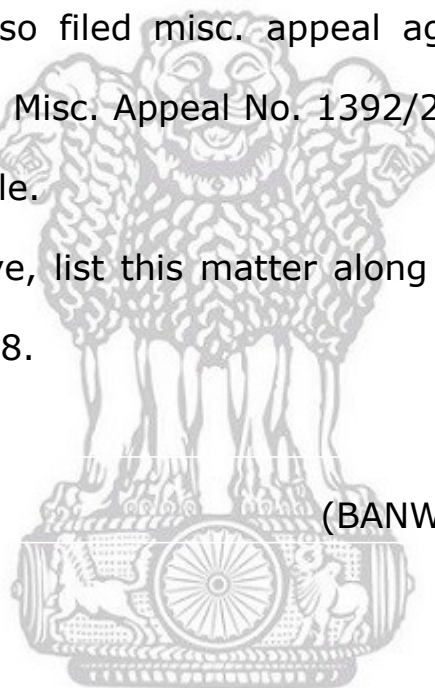
Heard on I.A. No. 18422/2018 for attaching decided files at the time of hearing, if the files mentioned in the application will be required, same will be called for, the application stands disposed of accordingly.

Learned counsel for the respondents submits that respondents have also filed misc. appeal against the impugned order being S.B. Civil Misc. Appeal No. 1392/2018, therefore same be tagged with this file.

In view of above, list this matter along with S.B. Civil Misc. Appeal No. 1392/2018.

(BANWARI LAL SHARMA),J

S. Kumawat/17



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