

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

S.B. Civil Revision Petition No. 61/2020

Rajasthan State Industrial Development And Investment Corporation (Limited) (Riico) & anr.

-----Petitioners

Versus

Akshya Infrasy's Industries Private Limited

-----Respondents

For Petitioner(s) : Mr. A. K. Bhandari, Sr. Adv. with
Mr. Jai Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

13/07/2022

This revision petition has been filed by petitioner-RIICO under Section 115 of CPC against the order dated 24.01.2020 passed in civil suit No.29/2019 by Additional Civil Judge No.34, Chaksu, Jaipur Metropolitan whereby the petitioner's application under Order 7 Rule 11 read with Section 151 CPC has been dismissed.

Learned counsel for petitioner-RIICO submits that the subject land was proposed to be allotted to respondent-plaintiff subject to payment of Rs.32,70,00,000/- and on account of non-payment of balance amount of Rs.26,25,00,000/-, the possession was not handed over to plaintiff nor lease deed was executed. Counsel further submits that plaintiff-company has instituted a simpliciter suit for permanent injunction, which is virtually in the nature of seeking declaration and as such the same suffers from

the defect of improper valuation and insufficient court fee as well as non-accrual of the cause of action.

The counsel further submits that since the trial court granted interim injunction in favour of respondent-plaintiff and the petitioner-RIICO is pursuing the matter before the trial court for vacation of the stay order, hence at this stage, further proceedings of the trial need not be stayed.

Considering the issue involved, let notices be issued to respondent-plaintiff as to why this revision petition be not disposed of at the admission stage itself.

Notice be given 'dasti' to the learned counsel for the petitioner, if so desires.

(SUDESH BANSAL),J

TN/12

