

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



2026:RJ-JP:19452

S.B. Civil Writ Petition No. 12128/2025

ITC Limited,

----Petitioner

Versus

Mr. Naresh Kumar Khandelwal S/o Mr. Nand Kishor Khandelwal,
& Anr.

----Respondents

For Petitioner(s) : Mr. Shivangshu Naval
Ms. Akanksha Naval
Ms. Mahak Jain

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

20/11/2025

1. The present writ petition has been filed by the petitioner assailing the order dated 03.04.2025 passed by the learned Commercial Court No.1, Jaipur, whereby the learned Commercial Court, while invoking the powers under Order 38 Rule 5 read with Section 151 CPC, directed the petitioner to submit a bond or bank guarantee of the amount of Rs.2,25,00,000/-.
2. Learned counsel for the petitioner submits that the learned Court below erred in taking such a harsh view against the petitioner, as the learned Trial Court passed the impugned order without recording a finding that the petitioner is about to dispose of the whole or part of the suit property with an intention of obstructing or delaying the decree, which is contrary to the mandate of Order 38 Rule 5 CPC; he therefore prays that the impugned order dated 03.04.2025 may kindly be set aside.
3. Heard.



4. In that view of the matter, issue notice to the respondents by both modes, ordinary post as well as registered post, returnable by four weeks.

5. In the meantime, the effect and operation of the order dated 03.04.2025 passed in CIS No.212/2024; CMC No.104/2024 shall remain stayed.

(MANEESH SHARMA),J

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