

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 704/2023

Guljari Lal Soni S/o Late Shri Jugal Kishore Soni,

----Appellant

Versus

Smt. Kamala W/o Shri Gyanchand Sharma

----Respondent

For Appellant(s)	:	Mr. G.P. Sharma with Mr. Anil Kumar Sharma
For Respondent(s)	:	Mr. J.K. Singhi, Sr. Advocate with Mr. Tarun Kumar Verma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

14/12/2023

An application for early listing is filed.

Considered the same.

For the reasons stated in the application itself, same is allowed.

Misc. application is disposed of and the matter is taken up on Board.

Learned counsel for appellant submits that for installing the petrol pump in 1994 the suit property was taken on lease, wherein a specific condition regarding registration of lease deed after expiry of every five years is also mentioned in the agreement. He submits that a suit for specific performance was also filed by him and same is required to be disposed of prior to instant suit for possession filed by respondent/plaintiff but despite repeated neither efforts same were decided on same day nor suit of appellant was decided prior to present one. As a result suit for

specific performance filed by appellant was decided after decision of suit of possession filed by respondent/plaintiff. He submits that M/s. Indian Oil, which is not a party to the proceedings has already cautioned him to discontinue the supply therefore as a consequence of the order, he prayed to stay the execution of the decree.

Aforesaid contentions were opposed by learned Senior Advocate on the ground that there are other appeals and matter be tagged with those appeals and stay applications be heard together. He also submits that till date no execution proceeding is filed by decreeholder-respondent.

Heard submissions of learned counsels for the parties and perused the record.

List along with CFA Nos. 703/2023 & 728/2023 on 10.01.2024.

In the meanwhile, the appellant shall not be dispossessed in pursuant to execution of the decree till next date of hearing.

(ASHOK KUMAR JAIN),J