

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

D.B. Civil Miscellaneous Appeal No. 4778/2025

1. Rakesh Kumar Gupta S/o Shri Gopal Das Gupta, R/o 848, Shanti Nagar, District Jabalpur (M.p.)
2. Sunita Gupta W/o Shri Rakesh Kumar Gupta, R/o 848, Shanti Nagar, District Jabalpur (M.p.)

----Appellants

Versus

Au Financiers (India) Ltd., Registered Office At 19-A, Dhuleshwar Garden, Ajmer Road, Jaipur-302001 Through Its Duly Authorized Signator

----Respondent

For Appellant(s) : Mr. Archit Bohra

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

Order

11/11/2025

1. Learned counsel for the appellants submits that the *ex parte* award was passed which did not come to their knowledge and it was only at that stage, when in the execution proceedings notices were served upon them, then they have come to know about the award passed by the Arbitrator. It is submitted that certain agreement had been independently entered into between the parties relating to the loan and the terms and conditions of the agreement have already been settled and accepted by the appellants and the respondent.
2. In spite thereto, the award is being sought to be executed.
3. After some arguements, learned counsel prays to withdraw this appeal with liberty to take up objections in terms of Order 21 CPC before the Executing Court.

4. Granting liberty as aforesaid, the appeal is dismissed as withdrawn.

5. It is made clear that the order passed by the Commercial Court shall not come in the way with respect to the objections, if any, raised.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACTING CJ

SANJAY KUMAWAT/RAJAT/24