

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 721/2022

1. Late Shri Shivraj Lamba S/o Late Lt. Col. Shri Deshraj,
R/o 248, A.W.H.O. Colony, Ambabari, Jaipur (Since
Deceased) Through Legal Heirs-
- 1/1. Smt. Sumitra Choudhary W/o (Late) Shri Shivraj Lamba,
Aged 50 Years
- 1/2. Ms. Rashmi Lamba D/o (Late) Shri Shivraj Lamba, Aged
24 Years
- 1/3. Master Yuvraj Lamba S/o (Late) Shri Shivraj Lamba, Aged
19 Years
all residents of 248, A.W.H.O. Colony, Ambabari, Jaipur.

----Appellants/Defendants

Versus

Smt. Sunita Mehra W/o Shri Pradeep Mehra, Aged 60 Years, R/o
4 Ka 20, Jawahar Nagar, Jaipur.

----Respondent/Plaintiff

For Appellant(s)	:	Mr. Akash Gupta, Adv.
For Respondent(s)	:	Mr. M.M. Ranjan, Sr. Adv. assisted by Mr. Aman Pareek, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

20/04/2026

1. Vide order dated 17.11.2022 passed by Coordinate Bench of
this Court, stay was granted in favour of the appellants with
regard to possession of property in dispute, however, it was
ordered that orders regarding mesne profits shall be passed after
receiving the record and reply of the respondent.
2. Learned counsel for the appellants submits that in
compliance of the order dated 01.04.2026 passed by this Court,
reply has been filed on behalf of the respondent and record of the

Court below has also been received. Learned counsel prays that the respondent is pressing the execution in respect of recovery of mesne profits, therefore, till pendency of this appeal, recovery of mesne profits may be stayed.

3. On the other hand, learned Senior Counsel for the respondent submits that the appellant is wrongfully enjoying the possession of property, therefore, no stay should be granted on recovery of mesne profits.

4. The matter requires consideration.

5. The appellants are directed to deposit 50% of the mesne profits accrued till date, within a period of 3 months from today. On deposition of the said amount by the appellants within the stipulated period, the execution proceedings for recovery of mesne profits shall remain stayed, till further orders of this Court. The amount so deposited by the appellants shall be kept in F.D.R. initially for a period of 6 months in a Nationalized Bank, which would be renewed from time to time and this amount shall not be disbursed without further orders of this Court.

6. List the matter on 08.07.2026, as prayed.

(ASHUTOSH KUMAR),J