

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15930/2025

Devraj S/o Late Kailaprasad Sharma

-----Petitioner

Versus

Rajendra Prasad Khatri S/o Nandlal Khatri

-----Respondent

For Petitioner(s)	:	Mr. Roshan Sharma for Mr. Nitesh Dadhich
For Respondent(s)	:	Mr. Ajay Goyal

HON'BLE MR. JUSTICE BIPIN GUPTA
Order

28/04/2026

1. Learned counsel for the respondent submits that, a Co-ordinate Bench of this Court by virtue of the order dated 16.10.2025, stayed the operation of the order dated 03.10.2025, whereby the petitioner was directed to undergo simple imprisonment for a period of three months.
2. However, the learned Executing Court is not proceeding further in accordance with the law available to it, including issuing appropriate directions or granting liberty to the respondents to demolish the illegal construction at the cost of the judgment-debtor..
3. This Court finds merit in the submissions advanced on behalf of the respondents. It is, therefore, clarified that merely staying the order dated 03.10.2025 shall not preclude the learned Executing Court from adopting any other remedies available under the law for execution of the decree.

4. It is also made clear that the respondents would be at liberty to seek police aid for the removal of the encroachment in pursuance of the decree from the learned Executing Court.

5. List the matter after four weeks.

(BIPIN GUPTA),J

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