

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 136/2026

1. M/s Shekhawati Mines And Mineral, P 2 Pratap Nagar, Churu Road, Jhunjhunu, District - Jhunjhunu (Raj.) Through Partner.
2. Dilip Singh Krishniya S/o Bajrang Lal Krishniya, R/o Budana, Tehsil And District Jhunjhunu (Raj.) Partner M/s Shekhawat Mines And Mineral.
3. Suresh Kumar S/o Sh. Hanuman Prasad, R/o Gram Bhamboo Ka Bas, Post Kodesar, Tehsil Malsisar, District Jhunjhunu (Raj.) Partner M/s Shekhawati Mines And Mineral.

----Appellants/Defendants No.1 to 3

Versus

1. Koshar Bano W/o Misbaudeen, Aged About 36 Years
2. Misbaudeen S/o Safi Ahamad, Aged About 38 Years
Both are Residents of Chanwra, Tehsil Udaipurwati, District Jhunjhunu (Raj.).

----Respondents/Plaintiffs

3. Mining Engineer, Department Of Mines And Geology, Jhunjhunu, District Jhunjhunu (Raj.).
4. State Government, Through District Collector, Jhunjhunu, District Jhunjhunu (Raj.).

----Respondents/Defendants No.4 & 5

For Appellant(s) : Mr. Hari Om, Adv. for
Mr. David Mehla, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

30/04/2026

1. The present civil first appeal has been filed by the appellants against the judgment and decree dated 12.08.2025 passed by learned District Judge, Jhunjhunu (Raj.) (hereinafter referred to as

learned 'trial Court') in Civil Suit No. 62/2022, whereby, the suit under the Fatal Accidents Act, 1855 filed by the respondents-plaintiffs has been decreed and an award of Rs. 7,85,000/- along with interest @ 7% per annum has been awarded in favour of the respondent Nos. 1 & 2.

2. Heard on Stay Application No. 346/2026.

3. Learned counsel appearing on behalf of the appellants submits that the effect and operation of the judgment and decree dated 12.08.2025 passed by learned trial Court may be stayed, till the pendency of the appeal.

4. The matter requires consideration.

5. Issue notice to the respondent Nos. 1 & 2 by both modes i.e. by ordinary process as well as by registered post, returnable within six weeks. Requisites be filed within one week.

6. Learned counsel for the appellants submits that service upon respondent Nos. 3 & 4 may be dispensed with.

7. At the risk and peril of learned counsel for the appellants, service upon respondent Nos. 3 & 4 is dispensed with.

8. The appellants are directed to deposit 50% of the amount of award along with the interest granted in favour of the respondents-plaintiffs vide impugned judgment and decree dated 12.08.2025 in Civil Suit No. 62/2022 with learned District Judge, Jhunjhunu (Raj.) within a period of 30 days from today.

9. On depositing the said amount by the appellants, the same shall be disbursed amongst the respondents-plaintiffs in terms of the award on an undertaking by the respondents-plaintiffs that in case, appeal of appellants succeeds, the respondents-plaintiffs

shall repay the amount, so received, along with the interest @ 6% per annum.

10. If the aforesaid amount is deposited by the appellants within the stipulated period, then the effect and operation of the impugned judgment and decree dated 12.08.2025 shall remain stayed, till further orders of this Court.

11. List the matter after six weeks.

12. In the meanwhile, record of the Court below be summoned.

(ASHUTOSH KUMAR),J

AARZOO ARORA /06