

[1]SB CIVIL SECOND APPEAL NO. 77/2011
BRIJ MOHAN
Vs.
CHAIRMAN, JAIPUR VIDYUT VITRAN NIGAM LIMITED & ORS.
IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

JUDGMENT

S. B. CIVIL SECOND APPEAL NO. 77/2011

BRIJ MOHAN

Vs.

CHAIRMAN, JAIPUR VIDYUT VITRAN NIGAM
LIMITED & ORS.

DATE: 28.02.2011

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN

Mr. Manoj Kumar Choudhary, for appellant.

Learned counsel for appellant submitted that suit filed by plaintiff/appellant for declaration and perpetual injunction has been dismissed by both the Courts below on the ground that plaintiff should have approached the Settlement Committee first, and on merits also, however, when issue No.6 was decided in favour of respondents, then civil suit should not have been decided on merits and matter should have been referred to Settlement Committee. Since issue No.6 has been decided against the plaintiff/appellant, therefore, appellant may be permitted to withdraw this second appeal with liberty to approach the Settlement Committee in accordance with law and the Settlement Committee may be directed to decide the dispute of appellant within

reasonable time and it may also be observed that finding recorded by both the Courts below may not come in the way of Settlement Committee while deciding the dispute of appellant.

2. Submission of learned counsel for appellant appears to be reasonable, therefore, the same is allowed.

3. Appellant is permitted to withdraw this second appeal with liberty to agitate the matter before the Settlement Committee. It is directed that in case appellant approaches the Settlement Committee within a period of 30 days along with certified copy of order of this Court, then the Settlement Committee will decide the matter in accordance with law within a period of four months from the date of receipt and will not be influenced by any observations made by both the Courts below in the impugned judgments.

4. The second appeal is, accordingly, dismissed as withdrawn with liberty and direction, as mentioned above.

(NARENDRA KUMAR JAIN), J.

/KKC/

[3]SB CIVIL SECOND APPEAL NO. 77/2011
BRIJ MOHAN
Vs.
CHAIRMAN, JAI PUR VIDYUT VITRAN NIGAM LIMITED & ORS.
IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAI PUR

ORDER

S. B. CIVIL MISC. STAY APPLICATION NO. 355/2011
IN

S. B. CIVIL SECOND APPEAL NO. 77/2011

BRIJ MOHAN

Vs.

CHAIRMAN, JAI PUR VIDYUT VITRAN NIGAM
LIMITED & ORS.

DATE: 28.02.2011

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN

Mr. Manoj Kumar Choudhary, for appellant.

Since the main appeal itself has been dismissed, therefore, this stay application does not survive and the same also stands dismissed.

(NARENDRA KUMAR JAIN), J.

/KKC/