

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

JUDGMENT

D. B. CIVIL SPECIAL APPEAL(WRIT) NO. 1325/2012
IN
S. B. CIVIL WRIT PETITION NO. 5996/2010
KISHAN SAHAI Vs. EMRAT LAL MEENA & ORS.

Date: 28.02.2013

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN
HON'BLE DR. JUSTICE SMT. MEENA V. GOMBER

Mr. Vimal Choudhary with
Mr. Madan Mohan Meena and
Mr. J.K. Yadav, for the appellant.

Mr. Rajendra Prasad and
Mr. Laxman Madnani, for the respondents.

Heard finally.

2. Learned counsel for both the parties argued the case at length, but after conclusion of arguments, they prayed that they may be allowed sometime to seek instructions in the matter and after having instructions from their respective parties, they submitted that the present special appeal may be allowed, impugned order of the Single Bench may be set aside and the writ petition be directed to be listed for hearing before the Single Bench, at an early date. They also submitted that in case, the present appellant avoids hearing of the writ petition on the date fixed by this Court, then the

order passed by the Single Bench may be revived.

3. As agreed by the learned counsel for the parties, the special appeal is disposed of as under: -

(i) The special appeal, filed by appellant, is allowed. Order of the Single Bench, granting interim stay during pendency of the writ petition dated 19.07.2012, is set aside.

(ii) Registry is directed to list the writ petition for hearing before the Single Bench on 12.03.2013, in top 15 cases.

(iii) It is made clear that in case, appellant Kishan Sahai, who is respondent No.5 in the writ petition, avoids hearing of the writ petition, then it will be open for the writ-petitioner/ respondent No.1 to make a prayer before the Single Bench for revival of its impugned order dated 19.07.2012, despite this order by the Division Bench.

(iv) The parties are directed to bear their own costs.

4. In view of above, Stay Application No. 13937/2012 also stands disposed of.

(DR. MEENA V. GOMBER), J. (NARENDRA KUMAR JAIN), J.

/KKC/

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR
P.A.