

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 13124/2024

1. Ramchandra S/o. Bhorya, R/o. Dharnidhar Ki Bagichi, Road No. 2, Near Kashi Ram Ka Tiraya, Alwar. (Deceased)
- 1.1. Hukum Chand S/o. Late Shri Ram Chandra Teli, R/o. Sahu Colony, 60 Feet Road, Alwar, Azad Nagar Alwar.
- 1.2. Mahendra S/o. Late Shri Ramchandra, R/o. Presently Tenant In House Of Sushila W/o. Nihalchand Sharma R/o. Plot No. 151, Scheme, No. 4, Alwar.
- 1.3. Kailash Chand S/o. Late Shri Ramchandra, Presently R/o., C/o. House Of Dinesh Gopaliya S/o. Suraj Gopaliya, Upside Mama Transport, Swarg Road, Alwar (Raj.)
- 1.4. Rajesh S/o. Late Shri Ramchandra, Present R/o. Tenant In The House Of Shibbu Halwai, Swarg Road, Makkhan Wala Kua, Alwar (Raj.)

----Petitioners

Versus

1. Shriram Sharma S/o. Govind Sahay Sharma, R/o. Tenant In The House Of Tej Prakash Swami, Mohalla Beech Ka Alwar. Present R/o. Dharnidhar Ki Bagichi, Alwar.
2. Lalaram S/o. Ramchandra, R/o. Azad Nagar, Teli Colony, Near 60 Foot Road, Alwar (Deceased)

----Respondents

For Petitioner(s) : Mr. Harshad Kapoor

For Respondent(s) : Mr. Ajay Goyal

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

31/08/2024

The instant writ petition has been filed on behalf of the petitioners assailing the order dated 20.07.2024 passed by Rent Tribunal, Alwar in Execution Petition No.36/06/2022 whereby the petitioners have been directed to pay an amount of Rs.1,32,623/-

(One Lakh Thirty Two Thousand Six Hundred Twenty Three) including amount which was paid by the Decree Holder to the Police Department for taking police aid for the purpose of execution of the decree of the Court.

Relying upon the order passed by the Co-ordinate bench of Principal Seat at Jodhpur in S.B. Civil Writ Petition No.2310/2022, learned counsel for the petitioners submits that no amount can be demanded by the Police Department in order to provide police aid for the purpose of execution of the decree of the Court. He submits that it has also been observed by the co-ordinate bench that the police is bound to provide police aid for the purpose of execution of the decree of the Court and it cannot ask any person to deposit any amount for that purpose.

Learned counsel for the petitioners submits that respondents-Decree Holder can seek refund of the amount which has been paid by him to the Police Department if any.

Learned counsel for the respondents Decree Holder submits that he is ready to seek refund from the Police Department for the amount paid by the respondent decree-holder for police aid. He, however, submits that for the rest of the amount, the petitioner is under obligation to pay the same at earliest.

Considering overall facts and circumstances of the case and also considering the arguments advanced by both the counsel as also considering the observation made by Coordinate Bench of this Court in order dated 19.04.2022 passed in S.B. Civil Writ Petition No.2310/2022, the order dated 20.07.2024 passed by Rent Tribunal, Alwar in Execution Petition No.36/06/2022 is modified and the direction regarding making payment to the respondent

decree-holder for the expenses incurred by him in the name of police aid for the purpose of execution of decree, is hereby waived. However, the remaining decreetal amount i.e. excluding the amount incurred by the respondent decree-holder for police aid from the amount as directed vide order dated 20.07.2024, shall be deposited by the petitioners on or before 12.09.2024. At the same time, it is to be observed here that the respondent-decree Holder would be at liberty to seek refund of the amount of police aid from the Police Department.

The writ petition stands disposed of accordingly. Stay application is also disposed of.

(ANIL KUMAR UPMAN),J

GAUTAM JAIN /60