

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 5639/2022

CNR: RJHC010245542022 | URN: CW / 11563U / 2022

1. Lrs Of Somdutt Purohit S/o Shri Shambhudutt, By Caste Brahmin, Through
2. Basant Kumar S/o Late Shri Somdutt Purohit, Aged About 38 Years, By Caste Brahmin, Resident Of Near Bohara Bhawan, Behind Alishan Tent House, Indira Chow, Balwadi School Ki Gali, Inside Jalorigate, Jodhpur.
3. Smt. Sudha D/o Late Shri Somdutt Purohit, Aged About 35 Years, By Caste Brahmin, Resident Of Near Bohara Bhawan, Behind Alishan Tent House, Indira Chow, Balwadi School Ki Gali, Inside Jalorigate, Jodhpur.
4. Smt. Sunita D/o Late Shri Somdutt Purohit, Aged About 36 Years, By Caste Brahmin, Resident Of Near Bohara Bhawan, Behind Alishan Tent House, Indira Chow, Balwadi School Ki Gali, Inside Jalorigate, Jodhpur.
5. Smt. Shyama D/o Late Shri Somdutt Purohit, Aged About 32 Years, By Caste Brahmin, Resident Of Near Bohara Bhawan, Behind Alishan Tent House, Indira Chow, Balwadi School Ki Gali, Inside Jalorigate, Jodhpur.

-----Petitioners

Versus

1. Shantilal Bhansali S/o Shri Gumanmal, B/c Oswal, Resident Of Bhansali Building, Shanishcharji Ka Hath, Jodhpur.
2. Lrs Of Gopal Ji S/o Late Shambhudtt Ji Purohit, B/c Brahmin, Through
3. Sunildutt Purohit S/o Late Gopalji, B/c Brahmin, Resident Of Inside Jalorigate, Behind Vest Bohra Bhawan, Baiji Ka Talab, Jodhpur.
4. Mukesh Purohit S/o Late Gopalji, B/c Brahmin, Resident Of Inside Jalorigate, Behind Vest Bohra Bhawan, Baiji Ka Talab, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Narendra Thanvi
For Respondent(s)	:	Mr. Bharat Bhushan

HON'BLE MR. JUSTICE FARJAND ALI

Order

04/08/2026

1. Arguments of learned counsel for the parties heard at length and whereupon learned counsels in unison urged that better it would be to direct the learned Court of Appeal to decide the pending appeal till 30.09.2026 with certain directions.
2. In view of the consensus of learned counsel for the parties, the writ petition is disposed of with following directions:-
 - (i) the amount of Rs.1,00,000/- already deposited by the petitioner shall be adjusted in the amount of mesne profit as directed by the Coordinate Bench of this Court on 09.09.2022.
 - (ii) If still post adjustment of Rs.1,00,000/- towards the default in making payment of mesne profit, there appears a further default, the learned Court of Appeal shall record the same and appropriate order in this regard shall be passed in the final judgment.
 - (iii) Further amount of mesne profit, whatever has become due, shall be deposited promptly as directed in the order dated 09.09.2022.
 - (iv) The appeal shall be decided on merits after taking into consideration all legal and factual aspects of the case and considering the pleadings and evidence adduced in by the parties in respect of there stand positively before 30.09.2026 after receipt of a copy of this order.



3. It is further directed that the suit shop shall not be taken from the petitioner in pursuance of the judgment passed by the Civil Court. The fate of the case would remain dependent upon the judgment of Court of Appeal.
4. It shall be the duty of learned counsel for the parties to provide the certified copy of this order to the learned Appellate Court.
5. With the above directions, the instant writ petition is disposed of. Stay petition and all pending application(s), if any, stands disposed of.

(FARJAND ALI),J