



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12928/2025

State Of Rajasthan

-----Petitioner

Versus

Mohanlal Alias Sukhram S/o Shri Mannalal

-----Respondent



For Petitioner(s)	:	Mr. Archit Bohra, AGC
For Respondent(s)	:	

HON'BLE MR. JUSTICE SAMEER JAIN

Order

03/09/2025

The present petition is filed under Article 227 of Constitution of India, assailing the impugned order dated 20.08.2025 passed by Addl. District and Sessions Judge No.9, Jaipur Metropolitan-I in Execution Application Case No.13/2014, whereby the prayer of the petitioner to keep the execution proceedings in abeyance stood rejected and further attachment warrants were also put on halt.

Learned counsel for the petitioner has submitted that the matter pertains to Fatal Accidents Act, 1885. It is submitted that Deputy Secretary has written a letter to RUHS on 01.08.2013 for construction of Hospital and Hostel, the work of which was handed over to RSRTC with a project cost of Rs.406.63 crores at Pratap Nagar. It is further submitted that RSRTC tendered out the same to the concerned contractor at the place of site in the year 2014 and on account of the same, in the fatal accident, son of respondent No.1 and 2 had died, against which an application was moved for award of compensation under Section 1A of the Fatal Accident Act, 1855.



It is further submitted that Secretary, Medical and Health Department was wrongfully impleaded as a party, instead of concerned Department i.e., Department of Medical Education/RUHS or RSRTC.

Howsoever, learned counsel for the petitioner is unable to refute the fact that in the year 2017, the petitioner was served with a notice and despite service, responsible erstwhile officer remained silent and has not taken objection at the initial stage.

In this background, appropriate order was passed upon which execution proceedings have commenced and are about to conclude.

Heard.

Upon perusal of the material available on record, this Court has noted that the respondent Nos.1 and 2 are parents of deceased and they are senior citizens coming from a humble background, who are rejected for approximately ten years on account of arraying petitioner as wrongful parties, therefore, order of execution Court is prayed to be kept in abeyance or be set aside. However, this is not a worthy conduct of the State or its instrumentalities. Moreso, when service is carried out in the year 2017 and no action was ever taken by the petitioner regarding non inclusion/arraying of the party, meaning thereby, as per doctrine of non-traverse, petitioners have accepted their *bona fide* mistake. Further, in spite of service, petitioner has never taken a defense, which is being urged as on date.

Considering the aforementioned, issue notices to the respondents subject to deposition of Rs. 1 lakh in favour of Mohan Lal/ Hansa Bai to give them a level playing field. It is made clear



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that the said amount be deposited by way of cross cheque or demand draft.

This Court also makes it clear that State will not bear the said expenses but will recover the same from the concerned Secretary or responsible officer-in-charge from his salary/pension (if retired) and thereafter deposit the said amount within three weeks, failing which the instant petition shall stand dismissed without further reference to the Court.

State is at liberty to recover the said amount from the concerned Department or responsible officer.

State is directed to deposit 50% of the total amount in question, in favour of the respondents No.1 and 2 and upon deposition of the said amount, execution proceedings to remain stayed.

(SAMEER JAIN),J

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