



2026:CGHC:24036

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MA No. 78 of 2024

Abhay Pastaria S/o M.L. Pastaria, Aged About 49 Years R/o Behind Aayurved Hospital, Sarkanda, Bilaspur, Tahsil And District Bilaspur (C.G.)

... Appellant

versus

1 - M.L. Pastaria S/o Late Shri Manohar Lal Pastaria, Aged About 80 Years R/o Behind Aayurved Hospital, Sarkanda, Bilaspur, Tahsil And District Bilaspur (C.G.)

2 - Akhil Pastaria S/o M.L. Pastaria, Aged About 42 Years R/o Behind Aayurved Hospital, Sarkanda, Bilaspur, Tahsil And District Bilaspur (C.G.)

3 - Smt. Anubha Kapadya W/o B.L. Kapadya, D/o M.L. Pastaria, Aged About 45 Years R/o Behind Aayurve Hospital, Sarkanda, Bilaspur, Tahsil And District Bilaspur (C.G.)

4 - Himanshu Kannaoujiya S/o G.L. Kannaoujiya, Aged About 28 Years R/o 147/b, Kanchanjanga Apartment, Sector No.-53, Noida, District- Gautam Budh Nagar (U.P.)

5 - Himani Kannaoujiya D/o G.L. Kannaoujiya, Aged About 32 Years R/o 147/b, Kanchanjanga Apartment, Sector No.-53, Noida, District- Gautam Budh Nagar (U.P.)

6 - State Of Chhattisgarh Through Collector, District Bilaspur (C.G.)

... Respondents

{Cause title, as taken from Cause Information System}

For Petitioner : Mr. Akash Shrivastava, Advocate.

For Respondent No.1 : Mr. Rakesh Sahu, Advocate.

For Respondent No. 6 : Ms. Vartika Shrivastava, Panel Lawyer.

(Hon'ble Mr. Justice Naresh Kumar Chandravanshi)

ORDER ON BOARD

16.06.2026

1. With the consent of learned counsel for the parties, matter is heard finally.
2. This misc. appeal has been preferred by appellant / defendant No. 1 challenging the order dated 21.06.2024 passed by the First District Judge, Bilaspur (C.G.) (in short, 'trial Court') in Civil Suit No. 102-A/2022 (*M.L. Pastaria Vs. Abhay Pastaria & others*) whereby, an application filed by respondent No.1/plaintiff under Order 39 Rule 1 & 2 CPC read with Section 151 of the CPC has been allowed and it has been directed that the appellant/Defendant No. 1 shall deposit the monthly rent of ₹34,500—received from the tenants of both the suit houses in the Court's CCD by the 10th of every month, till disposal of the suit.
3. Contention of learned counsel for the appellant /defendant No. 1 that the the appellant/Defendant No. 1 used to receive only ₹19,000 per month as house rent from the tenants of both the suit houses, but learned trial Court, only on the basis of pleading made by respondent No. 1 /plaintiff, has determined the house rent of Rs.34,500/- per month, despite the fact that defendant No. 1 actually received only ₹19,000 per month as house rent from all tenants of both the suit house.
4. In response thereto, learned counsel for respondent No. 1 /plaintiff would submit that since July, 2018, appellant /defendant No.1 received house rent of both the suit houses to the tune of ₹ 34,500 /- from all the tenants, which has not been rebutted by appellant / defendant No. 1 in his reply filed

before the trial Court, therefore, learned trial Court has determined the aforesaid amount.

5. When specific question was posed to counsel for respondent No. 1/plaintiff that as to whether he has filed documents pertaining to the total house rent of ₹ 34,500/-, which appellant /defendant No. 1 allegedly received from all the tenants, he submits that he has not filed any such documents before the trial Court.

6. A perusal of the injunction application filed by defendant No. 1/Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the CPC reveals that the appellant/defendant No. 1 used to receive tentative amount of ₹34,500 per month as house rent rent for both the suit house.

7. During course of submission, learned counsel for both the parties jointly submit that the house rent, as has been ascertained by learned trial Court i.e. ₹ 34,500/-, may be modified to the extent of ₹ 19,000/- subject to outcome of actual house rent, which can be ascertained after adducing evidence by both the parties before the trial Court at the time of final adjudication.

8. Considered the submissions made by counsel for both the parties and perused the material available on record.

9. Having considered aforesaid contention putforth by learned counsel for both the parties, no useful purpose would be served to keep pending instant misc. appeal and ends of justice would be served, if impugned order dated 21.06.2024 passed by learned First District Judge, Bilaspur be modified in respect of house rent i.e. instead of Rs. 34,500/- to Rs. 19,000/- to be

deposited by appellant/defendant No. 1 in compliance of the impugned order, as has been conceded by learned counsel for both the parties.

10. In view of above, impugned order dated 21.06.2024 passed by learned First District Judge, Bilaspur is modified to the extent that the appellant/defendant No. 1 shall deposit house rent amounting to ₹ 19,000/- (instead of ₹ 34,500/-) , which he will receive from all the tenants of both the suit house, in CCD of the concerned trial Court by the 10th of every month, till disposal of the subject civil suit. However, it is observed that the actual rent of both the suit house will be determined by the trial court in its judgment, after examining the evidence adduced by both parties. It is ordered accordingly.

11. Accordingly, the misc. appeal is allowed to the extent indicated herein-above.

12. Pending interlocutory application (s), if any, stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge