

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 23 of 2015

1. Arvind Gupta S/o Late Haridas Gupta Aged About 38 years
2. Rajkumar Gupta S/o Late Haridas Gupta Aged About 52 Years
3. Ashok Kumar Gupta S/o Late Haridas Gupta Aged About 50 Years

All R/o Haldibadi, Chirmiri, Police Station Chirmiri, Distt. Koriya C.G.

---- Petitioners

Versus

1. Bindra Prasad S/o Dhinnulal Aged About 75 Years R/o Haldibadi, Chirmiri, Police Station Chirmiri, Distt. Koriya C.G.
2. Om Prakash Gupta S/o Mehngulal Gupta
3. Shiv Prasad Gupta S/o Mehngulal Gupta
4. Indian Oil Corporation Ltd Through General Manager, MP State Office 16 Area Hills Jail Road, Bhopal MP
5. Senior Divisional Manager Retail Sales Indian Oil Corporation Ltd, Indian Oil Bhawan, Rajeev Gandhi Road, V.I.P. Road, Telibandha, Raipur C.G.

---- Respondents

For Petitioners	:	Shri Prateek Sharma, Advocate
For Respondent No. 5	:	Shri Anand Shukla, Advocate

Order On Board

22/07/2015

With the consent of learned counsel appearing appearing for the parties, the matter is heard finally.

Challenge in this petition is to the order passed by the Court below by which petitioners' application under Section 151 C.P.C. for continuing supply by virtue of earlier order of temporary mandatory injunction has been rejected.

Learned counsel for the petitioners submits that though the suit was finally dismissed, bringing the interim order to an end, in view of order passed by the Appellate Authority remanding the suit, the interim order stood revived and, therefore, rejection of their application is grossly illegal.

Relying upon the judgment of the Supreme Court in the case of **State of Gujarat & Ors. Vs. Sahligram Patil** (2006 AIR SCW 4588), learned counsel for the respondents submits that interim order attained natural demise upon dismissal of suit and the order of remand could not revive the interim order.

Having considered the submissions made by learned counsel for the parties, taking into consideration the law laid down in the case of **Sahligram Patil** (supra), the contention of learned counsel for the petitioners cannot be accepted.

There is no illegality in the order passed by the Court below.

The petition has no merit. The same deserves to be dismissed and is accordingly dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)

Judge