

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 887 of 2012

1. Bisahu Ram Yadav Anr. S/o Lt Muniram Yadav Aged About 35 Years
R/o Vill Dadarkurd, Distt Korba, Cg
2. Santoshi Yadav W/o Lt Pitamber Yadav R/o Vill Dadarkurd, Distt
Korba, Cg

---- **Petitioners**

Versus

Chanduram Yadav S/o Rathuram Yadav Aged About 70 Years R/o
Dadarkurd, Dist Korba, Cg

---- **Respondent**

For Petitioners	: Shri Parag Kotecha, Advocate.
For Respondent	: Shri A.H.Syed, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

03/09/2015

With the consent of the parties, the matter is heard finally.

Challenge in the present writ petition is to the order dated 08.11.2012 passed by Additional District Judge, District Korba in Misc. Civil Appeal No. 11/2012 whereby the appeal preferred by the petitioner has been dismissed.

Brief facts of the case are that the petitioners/plaintiffs filed a suit for declaration and permanent injunction and along with the suit, application was also filed under Order 39 Rule 1 and 2 of the CPC, which was rejected by the trial Court against which appeal was preferred by the petitioner which was also dismissed and against the dismissal order of the appeal present petition has been filed. While entertaining this petition, this Court has directed the parties to maintain status quo on 01.01.2013.

Counsel for the petitioners submit that after passing of the interim order in favour of the petitioners it is the petitioners who are enjoying the benefits of the said order whereas counsel appearing for the respondents denies the said fact. They however submit that filing of this petition would be

served if direction is issued to the trial Court to decide the suit itself within some time frame.

Considering the fair submissions, the present petition is disposed of directing the trial Court to decide the suit as expeditiously as possible preferably within a period of one year from the date of receipt of copy of this order.

It would be the duty of the parties to cooperate in the early disposal of the suit.

Till the suit is decided interim order passed by this Court shall remain in operation.

Sd/-
Pritinker Diwaker
Judge