



IN THE HIGH COURT OF CHHATTISGARH

AT: BILASPUR

W. P. Art. 227 No. 129 OF 2015

PETITIONERS:

1. Pardeshi Ram, aged 67 years, son of Dhelu Ram Gond, resident of village Sehradabri, Dhamtari tahsil and district Dhamtari (C.G.)
2. Ramesh aged 40 years, son of Pardeshi Ram Gond,
3. Suresh aged 42, son of Pardeshi Ram Gond,

Both are residents of village Soram, P.O. & P.S.
Dhamtari, tahsil and district Dhamtari (C.G.)

(Appellants/Defendants)

VERSUS

RESPONDENT:

Sawant, aged 57 years, son of
Junglee Gond, resident of Nawagaon,
Dhamtari, tahsil and district Dhamtari (C.G.)

(Respondent/Plaintiff)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION
OF INDIA.

WP 227) 129/15
P.R.No. 3885/15
Presented by Shri R. K. Verma
23-2-15





HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (227) No. 129 of 2015

PETITIONERS

Pardeshi Ram and others

Versus

RESPONDENT

Sawant

Shri Ritesh Varma, counsel for the petitioners.

SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

**ORAL ORDER
(26/02/2015)**

This petition is directed against the order passed by the first Appellate Court dismissing petitioners/appellants prayer under Order 41 Rule 5 of Code of Civil Procedure, for staying the execution of the decree. The petitioners/defendants have suffered a decree for permanent injunction passed by the trial Court by judgment and decree dated 13/01/2014 directing them not to enter on the suit land, use the well or damage the suit property.

2. While dismissing the application, the first Appellate Court has observed that the plaintiff having not preferred any application for execution of decree, no case for staying the execution is made out.

3. In the opinion of this Court, in addition to the reason assigned by the first appellate Court, it is also to be seen that the decree is not for delivery of possession or for payment of any amount. Once the trial Court has passed decree for permanent injunction, any interim order staying the execution of the said decree would have the effect of allowing the petitioners/defendants to interfere in the possession of the plaintiff, therefore, such an interim order cannot be passed during pendency of the first appeal.

4. The petition is bereft of any substance, it deserves to be and is hereby dismissed.

**Sd/-
Prashant Kumar Mishra
Judge**

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