

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 153 of 2015

Vishnu Prasad Gupta S/o Late Banshi Lal Gupta, Aged
About 55 Years R/o Behind Govt. Boys School, Guptapara,
Ratanpur, Tahsil- Kota, District- Bilaspur,
Chhattisgarh(Defendant No.1)

---- Petitioner

Versus

1. Smt. Pooja Gupta W/o Narayan Gupta, Aged About 26
Years Sector-3, Qut. No. 754/ A /3, Balco Nagar, Tahsil &
District- Korba, Chhattisgarh(Defendant No.2)
2. Ashish Gupta S/o Mahendra Gupta, Aged About 22 Years
R/o Village- Baloda, Tahsil- Akaltara, District- Janjgir-
Champa, Chhattisgarh(Defendant No.3)
3. Atul Gupta S/o Mahendra Gupta, Aged About 19 Years R/o
Village- Baloda, Tahsil- Akaltara, District- Janjgir-Champa,
Chhattisgarh(Defendant No.4)
4. State Of Chhattisgarh, Through- Collector, Bilaspur,
District- Bilaspur, Chhattisgarh(Defendant No.5)
5. Smt. Manorama Bani, W/o Janakram Bani, Aged About 50
Years Through It Power Of Attorney- Adarsh Kumar Gupta,
Aged About 37 Years, (Advocate) S/o Janak Ram Bani,
R/o Near Shiv- Hanuman Temple, Tilak Nagar, Bilaspur,
Chhattisgarh(Plaintiff)

---- Respondents

Petition for review

(By Circulation in Chamber)

Single Bench: Hon'ble Shri Manindra Mohan Shrivastava, J.

(Order passed on 23.12.2015)

Review of order dated 30th of September 2015 has
been sought on the ground that while dismissing the petition
observation regarding possession of respondent has been
made which may adversely affect the case of the petitioner

defendant. It has also been raised as a ground that the respondent was never in possession and in fact he asked for possession as stated in para 6 of the plaint.

This Court while dismissing the petition has not given any verdict on the issue as to which of the party is in possession. This would be a matter of consideration by the Trial Court during trial.

On the basis of relief sought in the prayer clause, it has been held that the plaintiff has only claimed declaration and injunction. This Court has given liberty to the defendant to raise defence in the written statement and the trial Court may also frame proper issue. Therefore, in view of the above, the review petition is misconceived on law and facts and therefore dismissed.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E