

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 859 of 2015

1. Kadam Kunwar W/o Late Sonsai, Aged About 60 Years Caste Rajwar, Occupation Housewife, R/o Village Bishunpur, P. S. And Tahsil Surajpur, District Surajpur (Chhattisgarh), Civil District And Revenue District Surajpur (Chhattisgarh).....Plaintiff
2. Kaleshwari D/o Late Sonsai, Aged About 40 Years Caste Rajwar, Occupation Housewife, R/o Village Bishunpur, P. S. And Tahsil Surajpur, District Surajpur (Chhattisgarh), Civil District And Revenue District Surajpur (Chhattisgarh).....Plaintiff
3. Balo D/o Late Sonsai, Aged About 35 Years Caste Rajwar, Occupation Housewife, R/o Village Bishunpur, P. S. And Tahsil Surajpur, District Surajpur (Chhattisgarh), Civil District And Revenue District Surajpur (Chhattisgarh).....Plaintiff

---- Petitioners

Versus

1. Ghurni Bai Wd/o Late Babulal, Aged About 50 Years Caste Rajwar, Occupation Housewife, R/o Village Bishunpur, P. S. and Tahsil Surajpur, District Surajpur (Chhattisgarh), Civil District And Revenue District Surajpur (Chhattisgarh).....Defendant
2. The State Of Chhattisgarh, Through The Collector, Surajpur District Surajpur (Chhattisgarh).....Defendant

---- Respondents

For Petitioners	:	Shri A.K. Prasad, Advocate.
For State	:	Shri Vinod Tekam, Panel Lawyer.

Order On Board

14/10/2015

Heard on admission.

1. This petition under Article 227 of the Constitution of India is preferred against order dated 18.02.2015 by which the Court below has affirmed the order rejecting petitioners' application for grant of temporary injunction.
2. Learned counsel for the petitioners submits that looking to the nature of the suit that the petitioners prays for partition on the ground that the partition has not taken

place, prayer was made that the defendants be restrained from alienating the suit property. The Court below has rejected the petitioners' application without due consideration which are extraneous in nature.

3. While rejecting petitioners' application, at this stage, the Court below has taken into consideration the empathetic statement of the defendant No.1 that she has neither entered into an agreement nor she has any intention of selling off the property.

4. The reasons which have been assigned for rejecting application are neither irrelevant nor extraneous. Therefore, at this stage, no case for interference is called for and the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E