

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 55 of 2016

1. M/s Raipur Power and Steel Private Limited, A company incorporated under Companies Act, 1956, through – Director Balram Garg S/o Shriram Garg, aged about 42 years, M/s Raipur Power and Steel Private Limited, Address – Plot No. 750/ 76 Industrial Growth Centre Borai, Rasmada, Tahsil & District Durg (C.G.) (Authorization filed with Vakalatnama).

---- Petitioner

Versus

1. Jayant Deshmukh S/o Late Ishwari Deshmukh, address – Maharaja Chowk, Durg, (Chhattisgarh)
2. Keshav Banti Harmukh S/o Yashwant Harmukh, Address - Village Kolihapuri, Durg, (Chhattisgarh)
3. Tirath Vaishnav S/o Khamman Das Vaishnav, Village Tomatur, Bhathapara, District Raipur (C.G.), (now Distt Baloda Bazar-Bhathapara) (Chhattisgarh)
4. Narendra Sahu S/o Son Singh Sahu, Address - Sitapara, Rasmada, District Durg, (Chhattisgarh)
5. Ishwar Sahu, Village - Bargahi, Post – Uparwada, District Rajnandgaon, (Chhattisgarh)

---- Respondents

For Petitioner – Shri N.K.Shukla, Senior Advocate with Shri Rajnish Singh Baghel, Advocate.

For Respondents – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

22/01/2016

1. After some argument, learned counsel for the petitioner submits that as the interim application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 (in brevity 'the Code') is still pending and the case is fixed for appearance of the defendants on 09-02-2016, the observation made by the Court below while rejecting the interim application under Order 39 Rule 3 of the Code may come in way while hearing interim application under Order 39 Rule 1 and 2 of the Code thereby it may cause prejudice to the petitioner that may be his case for hearing on prayer for grant of temporary injunction is prejudged.

Consequently, learned counsel for the petitioner prayed that observation whatever recorded by the Court below for rejection of ex-parte interim injunction application would not come in the way while deciding temporary injunction application and the same may be appreciated on its merit; therefore, the Court below may be directed for this and also for disposal of the said application for temporary injunction as expeditiously as possible.

2. On due consideration, the petition filed by the petitioner is hereby disposed of. It is observed that appreciation by the Court below vide order dated 12-01-2016 while rejecting ex-parte temporary injunction shall not come in the way for adjudication of the temporary injunction application. The Court below is further directed to dispose of the said temporary injunction application as expeditiously as possible.

3. With these observations, the petition is disposed of.

4. No order as to cost.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE