

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Appeal No. 55 of 2016

Prashant Rai S/o S/o Durga Shankar Rai, Aged About 40 Years R/o Village Malagwakhurd, Post Parsa, Tahsil Ambikapur, District Surguja, Chhattisgarh.....(Plaintiff)

---- Appellant

Versus

1. Phoolmani D/o Kalu, Aged About 68 Years By Caste Ahir, R/o Village Malagwakhurd, Post Parsa, Tahsil Ambikapur, District Surguja, Chhattisgarh
2. Ganesh Yadav, S/o Late Mahadev @ Sukhu Yadav, Aged About 27 Years Caste Ahir, R/o Village Korima, P. S. Dhourpur, Tahsil Lundra, District Surguja, Chhattisgarh
3. Mahesh Yadav S/o Late Mahadev @ Sukhu Yadav, Aged About 22 Years Caste Ahir, R/o Village Korima, P. S. Dhourpur, Tahsil Lundra, District Surguja, Chhattisgarh
4. State Of Chhattisgarh Through Collector, Surguja, District Surguja, Chhattisgarh.....Defendants

---- Respondents

For the Appellant	:	Shri Awadh Tripathi, Advocate.
For Respondents No.1 to 3	:	Shri Shakti Raj Sinha, Advocate.
For Respondent No.4/State	:	Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Pritinker Diwaker

Order on Board

15/09/2016

1. Challenge in the present appeal is to the order dated 13.07.2016 passed by the First Additional District Judge, Ambikapur, District Sarguja, Chhattisgarh in Civil Suit No. 10A of 2013 rejecting the application filed by the appellant/plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908.
2. Counsel for the appellant submits that purpose of filing this appeal would be served if a direction is issued to the trial Court to decide the suit

expeditiously within some time frame. He further submits that the same is pending since 2013 and no harm would be caused to anyone if the same is decided early.

3. Counsel appearing for the respondents have no objection to the above proposition put-forth by counsel for the appellant.

4. Considering the facts and circumstances of the case, the present appeal is disposed of with a direction to the trial Court to decide the suit as expeditiously as possible, preferably within six months from the next date of hearing.

5. It would be the duty of the parties to inform the Court below about passing of this order. It is expected from the parties not to seek unnecessary adjournments and to cooperate in the early disposal of the suit.

Sd/-

(Pritinker Diwaker)
Judge