

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.195 of 2016

1. Deepak Kumar Agrawal, aged about 63 years, S/o Late Ramlal Ji Agrawal, R/o VIP Estate Khamharidih, Raipur (CG)
2. Sunil Kumar Agrawal, aged about 57 years, S/o Late Ramlal Ji Agrawal, R/o New Shanti Nagar, Raipur (CG)
3. Vinod Kumar Agrawal, aged about 54 years, S/o Late Ramlal Ji Agrawal, R/o A-39, Flower Velly Amlidih Raipur (CG)
4. Pramod Agrawal, aged about 52 years, S/o Late Ramlal Ji Agrawal, R/o In front of Golden Homes, VIP Estate, Shankar Nagar, Raipur (CG)

---- Petitioners

Versus

1. Anand Agrawal, aged about 59 years, S/o Late Ramlal Ji Agrawal,
 2. Ritesh Agrawal, aged about 27 years, S/o Shri Anand Agrawal,
- Both are R/o C 3-4, VIP Estate, Khamhardih, Raipur, Tahsil & District Raipur (CG)

--- Respondents

And

Writ Petition (227) No.294 of 2016

1. Anand Agrawal, Son of Late Ramlalji Agrawal, aged about 59 years
 2. Ritesh Agrawal, son of Shri Anand Agrawal, aged about 27 years,
- Both resident of C-3/4, VIP Estate, Khamhardih, Raipur, Tahsil & District Raipur (CG)

Versus

1. Deepak Kumar Agrawal, son of Late Ramlalji Agrawal, aged about 63 years, resident of VIP Estate Khamharidih, Raipur (CG)
2. Sunil Kumar Agrawal, Son of Late Ramlal Ji Agrawal aged about 57 years, resident of New Shanti Nagar, Raipur (CG)
3. Vinod Kumar Agrawal, Son of Late Ramlaljo Agrawal aged about 54 years, resident of A-39, Flower Velly Amlidih Raipur (CG)
4. Pramod Agrawal, Son of late Ramlalji Agrawal, aged about 52

years, resident of infront of Golden Homes, VIP Estate, Shankar Nagar, Raipur (CG)

For Petitioners/Plaintiffs : Mr.S.C.Verma, Advocate
For Respondents/defendants : Mr.Raza Ali, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24/10/2016

1. Plaintiffs-Deepak Kumar Agrawal, Sunil Kumar Agrawal and Vinod Kumar Agrawal filed a suit bearing Civil Suit No.20A/2014 against defendants-Anand Agrawal, Ritesh Agrawal and Pramod Agrawal claiming declaration and partition and also filed an application for temporary injunction.
2. The trial Court by its order dated 9.9.2015 allowed the application filed by the plaintiffs under Order 39 Rule 1 & 2 of the CPC and directed the defendants not to alienate, mortgage or transfer the suit land for a period of one year or till the decision of the civil suit whichever is earlier.
3. Against the said order, the defendants-Anand Agrawal and Ritesh Agrawal filed an appeal bearing Misc. Civil Appeal No.27/2015.
4. The First Appellate Court by its impugned order dated 2.3.2016 affirmed the order passed by the trial Court granting injunction, but partly modified the relief holding that the defendants will not dispossess the plaintiffs from the suit land till disposal of the suit.
5. Against the order of the First Appellate Court, plaintiffs- Deepak Kumar Agrawal, Sunil Kumar Agrawal and Vinod Kumar Agrawal have

preferred Writ Petition (227) No.195/2016, whereas defendants- Anand Agrawal and Ritesh Agrawal have preferred Writ Petition (227) No.294 of 2016 before this Court questioning the same.

6. This Court by order dated 18.3.2016 entertained the writ petition and directed that during pendency of the writ petition, status quo as it exists today be maintained so far as the suit property is concerned and that interim order is continuing till this date.

7. Learned counsel appearing for the parties submit that para 11 of the order dated 9.9.2015 passed by the trial Court on 9.9.2015 in Civil Suit No.20A/2014 be continued during pendency of the suit and suit be directed to be disposed of within a period of four months.

8. Since both the parties have consented for continuation in terms of para 11 of the order passed by the trial Court on 9.9.2015, it is directed that the trial Court would do well and decide the suit within a period of four months from the date of receipt of copy of this order and para 11 of the order dated 9.9.2015 passed by the trial Court on 9.9.2015 in Civil Suit No.20A/2014 shall continue for the aforesaid period.

9. With the aforesaid observation, the writ petitions stand disposed of.

Sd/-

(Sanjay K Agrawal)
Judge

B/-