

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Appeal No. 114 of 2015

Gopal Tulsi Das Rathi S/o Tulsi Das Tarachand Rathi, Aged About 51 Years R/o Neelgiri, Camp Road, Amravati, Police Station And Post Amravati, Civil And Revenue District Amravati (Maharashtra).....
(Plaintiff)

---- Appellant

Versus

1. Dr. Smt. Anupama Ashwin Deshmukh W/o Ashwin Deshmukh, Aged About 48 Years R/o Near Sudha Deshmukh Hospital, Camp Road, Amravati, Police Station And Post Amravati, Civil And Revenue District Amravati (Maharashtra) Pin 444602
2. Dr. Ajay Agrawal S/o Late Kapil Narayan, Aged About 52 Years R/o Dr. Agrawal Bhawan, Medical Chowk, Nagpur (Maharashtra)
3. State Of Chhattisgarh Through Collector, District Office Durg, District Durg (Chhattisgarh).....(Defendants)

---- Respondents

For the Appellant	:	Shri Manoj Paranjpe, Advocate.
For Respondent No.1	:	Shri Ratnesh Kumar Agrawal, Advocate.
For Respondent No.2	:	None present though served.
For Respondent No.3/State:	:	Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Pritinker Diwaker

Judgment on Board

16/08/2016

1. With the consent of both the parties, the appeal is heard finally.
2. Challenge in the present appeal is to the order dated 8.10.2015 passed by Sixth Additional District Judge, Durg in Civil Suit No. 41-A of 2015 whereby and whereunder the Court below has rejected the application filed by the Appellant/ Plaintiff under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure.
3. While entertaining the present appeal, on 01.12.2015 this Court has passed an order restraining the defendants from alienating the suit property.

4. Counsel for the Appellant submits that this appeal can be disposed of directing the trial Court to decide the suit itself expeditiously and till then stay order granted in favour of the Appellant may be continued.

5. Counsel appearing on behalf of the Respondents have no objection to this proposition. They, however, submit that time limit be fixed for deciding the case and the Plaintiff may be directed not to seek any unnecessary adjournments.

6. In view of above, the present appeal is disposed of directing the trial Court to decide the suit expeditiously, preferably within four months from the next date of hearing. Till disposal of the suit, the interim order passed by this Court on 01.12.2015 shall remain in operation. It is expected that the parties shall cooperate in early disposal of the suit by not seeking any unnecessary adjournments.

7. Accordingly, the appeal is disposed of.

Sd/-

(Pritinker Diwaker)
Judge