

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 778 of 2016

Madhusudan Mishra S/o Shri Rambharosa Mishra, Aged About 56 Years R/o Prayag Kunj, Bajrang Chowk, Santoshi Nagar, P. S, Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Smt. Mehtarin Bai W/o Late Birsingh Sahu, Aged About 60 Years R/o Amar Sweet, Men Road, Sarora, Trimurti Chowk, Sarora, P. S. Urla, Raipur, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh, Through The Collector, Raipur, District Raipur, Chhattisgarh.

---- Respondents

Shri Rakesh Pandey, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/03/2016

This petition is directed against order dated 14/01/2016 passed by the Board of Revenue by which the revision of the respondent has been allowed directing revenue records to be maintained in the name of respondent in respect of the property in dispute.

2. Learned counsel for the petitioner submitted that on suit for specific performance filed by the petitioner, decree was passed in favour of the petitioner declaring the sale deed in favour of the respondent null and void and for execution of sale deed by the vendor in favour of the petitioner. It is contended that even though the Appellate Court stayed execution of decree in so far as execution of sale deed is concerned, respondent No.1 lost her title. Therefore, under no circumstances, the name of respondent could continue in the revenue records and status on the date of passing of interim order by the High Court ought to be maintained i.e. the name of the petitioner should have

been allowed in the revenue records.

3. True it is that decree was passed in favour of the petitioner. It is the petitioner against whom decree has been stayed. Unless the sale deed is executed in favour of the petitioner in execution of decree, it cannot be claimed that his name should continue in the revenue records. The effect of the interim order is that the name of erstwhile owner shall continue till the decision by the Appellate Court. Therefore, no illegality has been committed by the Court below. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge