

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No. 606 of 2016**

- Smt. Amrika Bai W/o Late Dharmdas Khatri, Aged About 55 Years R/o Village Litia, Tahsil Dhamdha, District Durg, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its The Secretary, Education Department Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, Lok Sikshan Sanchanalaya, Indrawati Bhawan, New Raipur, District Raipur, (Chhattisgarh)
3. The District Education Officer, Durg, District Durg, (Chhattisgarh)
4. Amrit Bai, W/o Late Dharamdas Khatri, Aged About 53 Years R/o Village Litiya, Tahsil Dhamdha, District Durg, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Ravi Maheshwari, Advocate
For State	:	Mr. D.R. Minj, Dy. Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/10/2016**

Heard.

1. This petition arises out of order dated 29.07.2016, by which, learned appellate Court has stayed the effect and operation of the order dated 23.07.2016 in the matter of succession and payment of retiral dues of deceased husband.
2. Learned counsel for the petitioner submits that the learned Court below has granted interim protection mechanically without due consideration of relevant aspects of the matter and ignoring the fact that the Court at first instance has passed order dated 23.07.2016 after elaborate consideration of oral and documentary evidence on record. It is further submitted that without there being any valid proof of marriage, interim protection could not be granted.
3. After going through the order dated 29.07.2016, I find that the Court below has already admitted the appeal and having finding the *prima-facie* case has granted interim protection, so that, the appeal itself may not be rendered fruitless. The order impugned neither suffers from any illegality

nor suffers from any patent illegality, it being only interim in nature. Therefore, I find no scope for interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

4. The petition is accordingly dismissed. However, considering the nature of dispute, learned appellate Court shall do well to dispose of the appeal as early as possible.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra