

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.325 of 2016

1. Abhishek Tiwari, aged about 35 years, S/o Shri Gopal Prasad Tiwari,

2. Smt. Alka Tiwari, aged about 30 years, W/o Shri Amit Tiwari

Both R/o Sarju Bagicha, Masanganj, Tahsil and District Bilaspur (C.G.)

(Defendants 1 & 2)
---- Petitioners

Versus

1. Shabbir Bhai Vanak, aged about 58 years, S/o late Shri Asgar Vanak

2. Siraj Bhai Vanak, aged about 60 years, S/o late Shri Asgar Vanak

Both R/o Post Office Road, Takhatpur, District Bilaspur (C.G.)
(Plaintiffs 1 & 2)

3. State of Chhattisgarh, through Collector, Bilaspur (C.G.)
(Defendant No.3)
---- Respondents

For Petitioners:	Mr. Ram Kumar Tiwari, Advocate.
For State/Respondent No.3:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/10/2016

1. Heard on admission.

2. In a suit filed by the plaintiffs for declaration of title and permanent injunction, the trial Court by its order dated 29-9-2015 rejected the application filed by the plaintiffs under Order 39 Rules 1 & 2 read with Section 151 of the CPC against which a miscellaneous appeal was preferred by the plaintiffs before the appellate Court under

Order 43 Rule 1(u) of the CPC. The first appellate Court allowed the appeal and granted temporary injunction in favour of the plaintiffs for a period of one year or till the disposal of the suit restraining the defendants from making construction or alienating the suit property.

3. After hearing learned counsel for the petitioners herein / defendants No.1 and 2, I deem it appropriate to dispose of this petition by directing the civil court to decide the civil suit as early as possible preferably within a period of six months from the date of production of certified copy of this order. Ordered accordingly. The observation made by the first appellate Court on merits of the matter will not bind the parties and the trial Court shall decide the suit independently based on oral and documentary evidence to be brought on record during trial.

4. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge