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HIGH COURT OF CHHATTISGARH, BILASPUR

CIVIL REVISION NO. 4 OF 2016

Nagar Palik Nigam, Raipur, District Raipur (CG).

... Applicant

Versus

Ram Ji Rao Sendre S/o Late N.G. Sendre, R/o Near Deepak Kiraya Bhandar, Beside Nitesh Ata Chakki, Lakhe Nagar, Raipur, District Raipur, Chhattisgarh

... Respondent

CIVIL REVISION NO.5 OF 2016

Nagar Palik Nigam, Raipur, District Raipur (CG).

... Applicant

Versus

Motilal Dewangan S/o Meghnath Dewangan, R/o Mangal Bazar Amapara Raipur, District Raipur, Chhattisgarh.

... Respondent

CIVIL REVISION NO. 6 OF 2016

Nagar Palik Nigam, Raipur, District Raipur (CG).

... Applicant

Versus

Laxminarayan S/o Heeraram R/o Mangal Bazar, Amapara, Raipur, District Raipur, Chhattisgarh

... Respondent

CIVIL REVISION NO. 7 OF 2016

Nagar Palik Nigam, Raipur, District Raipur (CG).

... Applicant

Versus

Mukund Lal Dewangan, S/o Mehattar Lal Dewangan, R/o Mangal Bazar, Amapara, Raipur, District Raipur, Chhattisgarh

... Respondent

CIVIL REVISION NO. 8 OF 2016

Nagar Palik Nigam, Raipur, District Raipur (CG).

... Applicant

Versus

Dinesh Tiwari S/o Lalmani Tiwari, R/o Mangal Bazar, Amapara, Raipur, District Raipur, Chhattisgarh

... Respondent

CIVIL REVISION NO. 9 OF 2016

Nagar Palik Nigam, Raipur, District Raipur (CG).

... Applicant

Versus

Vimalchand Jain S/o SC Jain R/o Mangal Bazar, Amapara, Raipur,
District Raipur, Chhattisgarh

... Respondent

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CIVIL REVISION NO.10 OF 2016

Nagar Palik Nigam, Raipur, District Raipur (CG).

... Applicant

Versus

Raghvendra Rai S/o Shri Ishwari Prasad Rai, R/o Mangal Bazar,
Amapara, Raipur, District Raipur, Chhattisgarh.

... Respondent

For Applicant	:	Shri HB Agrawal, Sr. Advocate along with Ms. Itu Rani Mukharjee,
For respondent	:	Shri Devershi Thakur, Advocate.

Hon'ble Shri Justice P. Sam Koshy

ORDER ON BOARD

22.12.2016.

1. As common facts and issues are involved in this batch of Civil Revisions i.e. Civil Revisions No.5,6,7,8,9 and 10 of 2016, therefore they are head together and are being disposed of by this common order, leading case of which is Civil Revision No.4 of 2016.
2. These Civil Revisions have been preferred against the order dated 16.09.2015 passed by the District Judge, Raipur, in MJC case Nos.65, 63,60,61,64,69 and 62 of 2013 respectively.
3. The brief facts relevant for adjudication of these case is that, the respondents are the tenants in the property. The said property during the course of expansion of capital city was taken over by the Municipal Corporation, Raipur, for widening of the roads. In between, on an application moved, an Arbitrator was appointed and an award was

passed on 18.05.2008. The said award was put to challenge in an Arbitration Case Nos.54-A, 60-A,56-A, 57-A,55-A, 62-A and 49-A of 2008 respectively before the District Judge, Raipur under Section 34 of the Arbitration and Conciliation Act, 1996 (for short the Act). The said application under Section 34 of the Act before the District Judge, Raipur, got rejected on 07.07.2010.

4. The Municipal Corporation, Raipur, preferred Arbitration Appeal against the said order dated 07.07.2010 i.e. Arbitration Appeal Nos.27, 35,30,29,34,28 and 32 of 2010 respectively. While the said Arbitration Appeals were pending consideration, the Municipal Corporation, Raipur, in between, on 20.01.2011 withdrew the Appeals. Subsequently, civil revision were filed before this court which were also dismissed as withdrawn on 26.11.2012 with liberty to file a review petitioner against the order dated 20.01.2011 i.e. withdrawal of the Arbitration Appeals. Subsequently, Review Petitions were filed i.e. Review Petition No.41/2013 and 9 others, which came up for hearing along with other batch of petitions on 30.10.2015. On 30.10.2015, Division Bench of this court allowed the Review petition and restored the Arbitration Appeals.
5. It has been informed at the bar by both the parties that the said Arbitration Appeals are pending consideration and are also listed for final disposal before the Bench having roster.
6. Meanwhile, after the withdrawal of the Arbitration Appeals at the first instance on 20.01.2011, the Municipal Corporation, Raipur had preferred a review petitions under Section 47 Rule 1 CPC before the

District Judge, Raipur, which have been registered as MJC cases. It is this rejection of the MJC cases which are under challenge in these Civil Revisions.

7. In view of order of Division Bench passed in Review Petition No.41/2013 and other analogous review petitions on 30.10.2015 and as a consequence of which the Arbitration Appeals against the order dated 07.07.2010 having been restored, in the opinion of this court nothing further remains to be adjudicated upon in these Civil Revisions as by restoration of the Arbitration Appeals, these Revisions have now become infructuous.
8. Accordingly, all these Civil Revisions are dismissed as having become infructuous.
9. In view of the order of the Division Bench dated 30.10.2015, the effect and operation of the impugned order of the District Judge dated 16.09.2015 passed in MJC Case Nos.65, 63,60,61,64,69 and 62 of 2013 have become of only academic interest and the said order shall not come in the way of the Municipal Corporation in any manner for the purpose of deciding the pending Arbitration Appeals before this court against the order dated 07.07.2010 passed by the District Judge, Raipur, in Arbitration Case Nos.54-A, 60-A,56-A, 57-A,55-A, 62-A and 49-A of 2008 respectively.
10. With the aforesaid observations, all these Civil Revisions stand disposed of.

Sd/-
(P. Sam Koshy)
Judge