

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 54 of 2015

- Rajeev Sharma (Advocate) S/o Shri Rajkumar Sharma Aged About 49 Years R/o Lohar Chowk Purani Basti Raipur City Tahsil & District Raipur Chhattisgarh

---- Appellant

Versus

- Smt. Sugta Mukharjee & Ors. W/o Shri Subrato Mukharjee Aged About 53 Years R/o G.L. Mitralen Vardhman, P.S. Vardhman Nagar, District Vardhman (West Bengal)
- Pinaki Ranjan Sen S/o Late Devranjan Sen Aged About 41 Years R/o 8 Pilkhana Lain Vardhman P.S. Vardhman District Vardhman West Bengal
- Public In Large
- State Of Chhattisgarh Through The Collector Raipur Chhattisgarh
- Police Station Civil Lines Through Station House Officer, Police Station Civil Lines Raipur Chhattisgarh

---- Respondents

For Appellant	: Shri Sourabh Sharma, Advocate
For Respondents 1 & 2	: Shri Sudeep Johri, Advocate
For Respondents 4 & 5/State	: Shri Prasoon Bhaduri, Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

15/09/2016

Challenge in the present appeal is to the order dated 09.04.2015 passed by the 7th Additional District Judge, Raipur whereby in the appeal, the court below has rejected the application as filed by the appellant under Order 39 Rule 1 & 2 of the Code of Civil Procedure.

Counsel for the appellant submits that purpose of filing this

appeal would be served if direction is issued to the appellate court to decide the appeal expeditiously. He submits that till the decision of the appeal, interim order passed in favour of the appellant be directed to continue.

Counsel appearing for the respondents have no objection to the above proposition as put forth by the counsel for the appellant.

Counsel for the respondents 1 & 2 however submits that the cross suit has also been filed by the appellant and the same is pending before the 13th Civil Judge Class-II, Raipur and therefore the civil court is also directed to decide the civil suit as expeditiously as possible.

Considering the facts and circumstances of the case, in particular the fact that the interim order has already been passed in favour of the appellant by this Court, the appellate court below is directed to decide the appeal as expeditiously as possible preferably within a period of four months from the next date of hearing.

Interim order granted by this court shall continue till the decision of the appeal.

It is made clear that this Court has not observed anything on merits of the case and the courts below would be at liberty to decide the case in accordance with law and on the basis of evidence of the parties.

Sd/-

Pritinker Diwaker
Judge