

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.343 of 2012

Mohammad Nasir Khan, aged about 50 years, S/o Mohammad Nazir Khan, R/o 250, Sunder Nagar, Mahadevghat Road, Raipur (CG).
----- **Petitioner**

Versus

1. Mateen Rizvi, aged about 33 years, S/o late Shri Quamar Saeed Rizvi.

- 2. Naseem Saeed Rizvi, aged about 65 years, W/o late Shri Quamar Saeed Rizvi.

Both are resident of through Ikabal Khan House Near Chhattisgarh College, Raipur.

- 3. Smt. Raziya @ Amrin, aged about 30 years, W/o Ikabal, R/o Dhobi Line, Baijnath Para, Raipur (CG).
--- **Respondents**

For Petitioner : Mr. Sumesh Bajaj, Advocate
For Respondents : Mr. B.P.Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

7/04/2017

(1) In a suit filed by the petitioner/plaintiff for permanent declaration of title and permanent injunction, the trial Court has rejected the application filed by the petitioner/plaintiff under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure (for short, 'CPC'), finding neither prima facie case nor balance of convenience and no irreparable loss in case temporary injunction is not granted in favor of the petitioner/plaintiff. Against the said rejection order, an appeal was preferred by the petitioner/plaintiff under Order 43 Rule 1 of CPC. The appellate Court concurring with the finding of the trial Court dismissed the appeal, finding no merit, against which, this writ petition under Article 227 of the Constitution of India has been filed by the petitioner/plaintiff.

(2) Learned counsel appearing for the petitioner/plaintiff submits that this writ petition may be disposed of, with a direction to the trial Court to decide the suit within a specific time as the suit was filed way back on 20th June, 2011. He further submits that the interim relief granted by this Court on 12.12.2012 may also be continued till disposal of the suit.

(3) Mr. B.P. Sharma, learned counsel appearing for the respondent opposes the submission made by the learned counsel for the petitioner.

(4) I have heard learned counsel for the parties.

(5) Taking into consideration the fact that the suit is pending before the trial Court since 20.06.2011 and the interim protection was granted by this Court on 12.12.2012 directing that the interim order passed by this Court shall be complied with in its true spirit and until further orders and the respondent shall not make any construction, alteration or any kind of change in the disputed property, I am of the considered opinion that it would be expedient to direct the trial Court to conclude the hearing of the suit and decide the same within a period of three months from the date of receipt/production of copy of this order. Till then, interim order granted on 12.12.2012 shall remain in operation.

(6) With the aforesaid observation, the petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-