

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No.836 of 2012**

Smt. Sumitra Bai, Aged About-45 years, W/o. Late Janakram Patel,
R/o. Village-Bhagwanpur, P.S. Kotra Road, Tehsil & District Raigarh
(CG)

---- Petitioner

Versus

1. Bhuvneshwar Patel, S/o. Janakram Patel, Aged About-52 years,

2. Puranchand Patel, S/o. Late Janakram Patel, Aged About-39 years,

Both are resident of Village-Bhagwanpur, P.S. Kotra Road, Tehsil & District-Raigarh (CG)

3. Smt.Gomti Patel, D/o. Late Janakram Patel, Aged About-50 years,

4. Smt.Kevra Patel, D/o. Late Janakram Patel, Aged About-42 years,

Respondents No.3 and 4 are resident of Village-Sardamall, Post-Nareli (Tarapur), P.S. Kotra Road, Tehsil & District-Raigarh (CG)

---- Respondents

For Petitioner	:	Mr.Sarfaraz Khan, Advocate
For Res.No.1 to 4	:	None present
For Respondent No.5	:	Mr.Majid Ali, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/06/2017

1. In a suit filed by respondents No.1 to 4/plaintiff, an application under Order 39 Rule 1 & 2 of the CPC for temporary injunction has been filed. The trial Court allowed the application and granted temporary injunction in favour of respondents No.1 to 4/plaintiff. On an appeal being preferred by the petitioner/defendant No.1, the First Appellate Court dismissed the appeal and affirmed the order passed by the trial Court, against which, this writ petition has been filed.

2. Learned counsel for the petitioner would submit that the finding recorded by the trial Court as affirmed by the First Appellate Court is perverse and contrary to law and therefore, it is liable to be set aside.
3. I have heard learned counsel for the petitioner, considered his submissions made hereinabove and also gone through the record with utmost circumspection.
4. Both the Courts have concurrently found *prima-facie* case in favour of respondents No.1 to 4/plaintiffs, balance of convenience also lies in their favour and thereby granted temporary injunction. The findings so recorded by two Courts below are finding of fact based on the material available on record. I do not find any jurisdictional error in the order impugned warranting interference by this Court.
5. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed. However, considering the fact that suit was filed on 11.5.2005, the trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of six months from the date of receipt of copy of this order. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge