

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 110 of 2017**

1. Smt. Amarit Bai, W/o. Budhari Kenwat, aged about 49 years, R/o. Nanapuri Ward No. 5, Tahsil Pandariya, District Kabirdham (C.G.)
 2. Rajkumar, S/o. Melan Yadav, aged about 39 years, R/o. Pusera Ward No.1, Dilwapara, Tahsil Pandariya, District Kabirdham (C.G.)
 3. Kanta Bai, W/o. Pramod Kurmi, aged about 33 years, R/o Pusera Ward No. 4, Bichpara, Tahsil Pandariya, District Kabirdham (C.G.)
 4. Lokeshwar, S/o. Bhuneshwar Dewangan, aged about 27 years, R/o. Village Sajgona Behind Collector Office, Kawardha, Tahsil Kawardha, District Kabirdham (C.G.)
-Defendants

---- Petitioners**Versus**

1. Smt. Umarit Bai, D/o Late Najaru Kenwat, aged about 37 years, R/o. Pusera, Tahsil Pandariya, District Kabirdham, present address Girhola, Tahsil Bhilai, District Durg (C.G.)
 2. State of Chhattisgarh, through Collector Kawardha, District Kabirdham (C.G.)
- Plaintiff

---- Respondents

For Petitioners : Mr. Aishwarya Pandey, Advocate.

For Respondent No.1 : Mr. H.B. Agrawal, Senior Advocate with
Mr. Anand Kumar Gupta, Advocate.

For Respondent No. 2: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/04/2017**

Heard.

- (1) In a suit filed by plaintiff/respondent No.1 for declaration of title and permanent injunction, the plaintiff also filed an application under Order 39 Rules 1 & 2 of the CPC for grant of temporary injunction.
- (2) The trial Court, by order dated 04th July, 2015, rejected the plaintiff's

application filed under Order 39 Rules 1 & 2 of the CPC. The plaintiff preferred Misc. Civil Appeal there-against, which was allowed by the first appellate Court by order dated 05.01.2017, against which, instant writ petition has been filed, which has been entertained and interim protection has been granted in favour of defendants.

(3) Learned counsel for the petitioners/defendants would submit that the order of appellate Court is perverse and it has been reversed on wholly untenable ground.

(4) Per contra, learned counsel appearing for the respondents would oppose the writ petition.

(5) I have heard learned counsel appearing for the parties and perused the order.

(6) After hearing learned counsel appearing for the parties; and further considering the fact that the suit was filed on 4.9.2015 and there is no substantive progress in the trial, this Court is of the opinion that ends of justice would be served if the trial Court is directed to decide the suit expeditiously preferably within a period of six months from the date of production of certified copy of this order. Order accordingly.

(7) In the meanwhile, *status quo* with regard to suit property shall be maintained by the parties.

(8) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

