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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.660 of 2017**

Manoranjana Majumdar S/o Late Pulin Aged About 70 Years R/o Sanapara, Gali No. 02 Ward No. 02 Subhash Nagar , Police Station Gandhinagar, Tahsil - Ambikapur District Surguja Chhattisgarh.

---- Petitioner

Versus

1. Madhusudan Majumdar S/o Manoranjan Aged About 45 Years R/o Sanapara, Gali No. 02 Ward No. 02 Subhash Nagar , Police Station Gandhinagar, Tahsil - Ambikapur District Surguja Chhattisgarh. (Plaintiff)
2. Jagdish Sarkar, S/o Late Dhirendranath Sarkar Aged About 50 Years R/o Sanapara, Gali No. 02 Ward No. 02 Subhash Nagar , Police Station Gandhinagar, Tahsil - Ambikapur District Surguja Chhattisgarh
3. Vijay Sarkar S/o Late Dhirendranath Aged About 48 Years R/o Sanapara, Gali No. 02 Ward No. 02 Subhash Nagar , Police Station Gandhinagar, Tahsil - Ambikapur District Surguja Chhattisgarh
4. The State Of Chhattisgarh, Through : The Collector, Surguja, Ambikapur Chhattisgarh.

---- Respondents

For Petitioner : Mr. Sunil Tripathi, Advocate

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

13/09/2017

(1) The trial Court by its order dated 17.01.2017 has granted temporary injunction in favour of the plaintiff/respondent No.1 herein holding that there is a prima facie case in favour of the plaintiff, which is upheld by the Appellate Court against which, this petition under Article 227 of the Constitution of India has been filed by the petitioner herein.

(2) Learned counsel appearing for the petitioner would submit that the concurrent finding recorded by two Court below is unsustainable and bad-in-law.

(3) I have heard learned counsel for the petitioner and perused the impugned order.

(4) The trial Court has clearly held that the plaintiff has prima face case and balance of convenience lies in his favour and if temporary injunction would not be granted in favour of him, he is likely to suffer irreparable loss, which is affirmed by the First Appellate Court.

(5) After hearing learned counsel for the petitioner, I do not find any perversity or illegality in the impugned order passed by the first appellate court which would warrant exercise of jurisdiction under Article 227 of the Constitution of India. However, the trial Court is directed to expedite the trial of the suit expeditiously preferably within a period of six months.

(6) Consequently, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-