

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 852 of 2017**

1. Rijwarnu Rehman S/o Mohd. Khail, aged about 42 years, R/o Ward No. 20, Near Minakshi Printing Press Manendragarh District Koriya Chhattisgarh
2. Mohd. Athar S/o Mohd. Ishaq, aged about 48 years, R/o Ward No. 6 Moharpara, Near Masjid, Manendragarh Tehsil Manendragarh, District Koriya Chhattisgarh

---- Petitioners**Versus**

1. Kallu Kewat S/o Govind Kewat, aged about 42 years, Caste Kewat, R/o Ward No. 6 Moharpara, Near Railway Crossing, Manendragarh Tehsil Manendragarh, District Koriya Chhattisgarh
2. Monu @ Munnu Kewat, S/o Govind Kewat, aged about 38 years, R/o Ward No. 6 Moharpara, Near Railway Crossing, Manendragarh Tehsil Manendragarh, District Koriya Chhattisgarh

---- Respondents

For Petitioners : Mr. Shakti Raj Sinha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20/11/17**

1. The respondents / plaintiffs have filed a suit for permanent injunction against the petitioners / defendants which was rejected by the trial Court finding no *prima-facie* case but was reversed by the Miscellaneous Appellate Court by impugned order dated 05.09.2017 finding *prima-facie* case, balance of convenience and irreparable loss to the plaintiffs if temporary injunction is not granted to them. Being aggrieved against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.
2. Mr. Sinha, learned counsel appearing on behalf of petitioner would

vehemently submit that the impugned order of reversal passed by the first Appellate Court is contrary to the judgment rendered by Hon'ble Supreme Court in the matter of **Wander Ltd. And Another v. Antox India P. Ltd.**¹ and, therefore, the impugned order be set aside.

3. I have heard learned counsel for the petitioner at length and perused the impugned order with utmost circumspection.

4. After hearing learned counsel for the petitioner and on careful perusal of the order impugned, I do not find any illegality or perversity in the impugned order requiring interference in the light of the principles laid down by Supreme Court in *Wander Ltd. And Another* (supra). However, the trial Court is directed to conclude the hearing of the suit expeditiously preferably within a period of four months from the date of receipt of copy of this order.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

Priyanka

¹ 1990 (Supp) SCC 727