

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.824 of 2017**

M.A. Faheem, S/o Late Shri M.A. Aleem, aged about 62 years, R/o Salhewarpara, Dhamtari, District Dhamtari (CG)

---- Petitioner

Versus

1. Union of India, Through the General Manager, Eastern Railway, Garden Raach, Kolkata (W.B.)
2. State of Chhattisgarh, through the Collector, Dhamtari, District Dhamtari (CG)
3. Station Officer/Station Master, Railway Station, Dhamtari, District Dhamtari (CG)

---- Respondents

For Petitioner	:	Mr.Adil Minhaz, Advocate
For Respondent No.1 & 3	:	Mr.H.S. Ahluwalia, Advocate
For Respondent No.2	:	Mr.P.K.Bhaduri, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/11/2017

1. Learned counsel for the petitioner would submit that suit for declaration of title and permanent injunction is pending consideration before the jurisdictional civil Court, in which he had filed an application for temporary injunction, which has been rejected by the trial Court. Thereafter, the petitioner filed Misc. Appeal before the First Appellate Court, which is also pending consideration, in which he has filed an application under Order 39 Rule 3 of the CPC, which has been rejected by the First Appellate Court by the impugned order. He would further submit that on 6.11.2017 24 hours letter has been given to the petitioner to vacate the suit premises, failing which, the petitioner will be evicted forcefully by the Railways and if that is allowed to be done, Misc. Appeal and Civil Suit both will become infructuous.

2. On the other hand, learned counsel for Union of India would oppose the writ petition.
3. I have heard learned counsel for the parties and perused the documents appended with the writ petition.
4. It is not in dispute that the petitioner's suit is pending consideration before the trial Court and according to learned counsel for the petitioner, case is fixed for evidence on 9.11.2017. However, on 6.11.2017 notice for eviction has been issued. If the interim relief is not granted to the petitioner/plaintiff, civil suit is rendered infructuous.
5. Taking into consideration the facts and circumstances of the case, it is directed that the petitioner/plaintiff will examine his all witnesses only by tomorrow and if not, one further date will be given not later than 7 days and thereafter the defendant will examine its witnesses and trial will be concluded within a period of 45 days from today. For the period of 45 days, status-quo as exists today shall be maintained by the parties.
6. With the aforesaid observation, the writ petition finally stands disposed of. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-