

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.406 of 2016

1. Mohan Lal Agrawal, S/o Late Shri Naval Kishore Agrawal, aged about 68 years, R/o Mangla Chowk, In front of Bachpan School, Police Station & Post Civil Lines, Civil and Revenue District Bilaspur (C.G.)
2. Gopal @ Ram Gopal Agrawal, S/o Late Shri Naval Kishore Agrawal, aged about 65 years, R/o Shanti Kunj, Vidya Nagar, Near Shiv Mandir, Bilaspur, Police Station & Post Tarbahar, Civil and Revenue District Bilaspur (C.G.)
3. Pawan Kumar Agrawal, S/o Late Shri Naval Kishore Agrawal, aged about 54 years, R/o Mangla Chowk, In front of Bachpan School, Police Station & Post Civil Lines, Civil and Revenue District Bilaspur (C.G.)

(Plaintiffs)
---- Petitioners

Versus

1. Govind Ram Agrawal, S/o Late Shri Naval Kishore Agrawal, aged about 66 years, R/o Mangla Chowk, In front of Bachpan School, Police Station & Post Civil Lines, Civil and Revenue District Bilaspur (C.G.) at present R/o Bungalow No.C-8, Ashoka Ratna, VIP State, Shankar Nagar, Raipur, Police Station & Post Civil Lines, Civil and Revenue District Raipur (C.G.)
2. Ashok Kumar Agrawal, S/o Late Shri Naval Kishore Agrawal, aged about 57 years, R/o Shanti Kunj, Vidya Nagar, Near Shiv Mandir, Bilaspur, Police Station & Post Tarbahar, Civil and Revenue District Bilaspur (C.G.)
3. Vijay Kumar Agrawal, S/o Late Shri Naval Kishore Agrawal, aged about 45 years, R/o Mangla Chowk, In front of Bachpan School, Police Station & Post Civil Lines, Civil and Revenue District Bilaspur (C.G.)
4. State of Chhattisgarh, through Collector, Bilaspur, District Bilaspur (C.G.)

(Defendants)
---- Respondents

For Petitioners: Mr. Manoj Paranjpe, Advocate.

For Respondents No.1 and 2: -

Mr. Abhishek Sinha, Advocate.

For Respondent No.4/State: -

Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/07/2017

1. Learned counsel for the petitioners submits that the trial Court has granted temporary injunction in favour of the petitioners by a well reasoned order looking to prima facie case and balance of convenience in favour of the petitioners and irreparable loss in the event temporary injunction is not granted, which has been reversed by the first appellate Court without considering the principles of law rendered by the Supreme Court in the matter of **Wander Ltd. and another v. Antox India P. Ltd.**¹.
2. On the other hand, learned counsel for respondents No.1 and 2 would submit that the first appellate Court has rightly reversed the order of the trial Court following the decision of the Supreme Court in **Wander Ltd.** (supra), as there is clear suppression of material facts by the plaintiffs before the trial Court, as such, a reasoned and speaking order has been passed by the first appellate Court which requires no interference.
3. Be that as it may, since the suit is pending consideration since 14-10-2015, it would be expedient to direct the trial Court to decide the suit itself within three months from the date of production / receipt of a copy of this order. It is ordered accordingly. Since this writ petition is pending since 30-6-2016 and interim order restraining alienation or creation of third party interest over the suit property is operating since 5-7-2016, the interim order shall continue for three months from today.

¹ 1990 (Supp) SCC 727

4. It is made clear that this Court has not expressed any opinion on the merits of the case and the trial Court should not be influenced by the order of the first appellate Court and that of this Court.
5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma