

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.775 of 2017

Banke Bihari Singh S/o Late Shri Sant Singh Aged About 59 Years
R/o Village Kosabada Police Station Mulmula Tahsil Pamgarh
District Janjgir Champa Chhattisgarh. (Plaintiff)

---- Petitioner

Versus

1. Anil Singh @ Vijay Singh S/o Late Chandra Bhushan Singh Aged About 55 Years R/o Village Kosa, Police Station Mulmula Tahsil Pamgarh & District Janjgir Champa Chhattisgarh, Presently R / O Kosabada, Baniya Para, Juna Bilaspur Tahsil & District Bilaspur Chhattisgarh.
2. Shravan Singh S/o Late Chandra Bhushan Singh Aged About 52 Years R/o Village Kosa, Police Station Mulmula Tahsil Pamgarh & District Janjgir Champa Chhattisgarh, Presently R / O Kosabada, Baniya Para, Juna Bilaspur Tahsil & District Bilaspur Chhattisgarh.
3. State Of Chhattisgarh Through Collector , Janjgir District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner :Mr. Indra Sen Sahu, Advocate
For Respondent No.1 :Mr. Sourabh Sharma, Advocate
For Respondent No.2 :Mr. Sudhir Kumar Bajpai, Advocate
For State/Resp. No.3 :Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/12/2017

(1) Learned counsel appearing for the petitioner/plaintiff would submit that the petitioner/plaintiff's application for grant of temporary injunction was allowed by the trial Court on 06.03.2017 finding that the plaintiff has prima facie case, balance of convenience lies in his favour and if temporary injunction is not granted in his favour, he is likely to suffer irreparable loss, which has been reversed by the Appellate Court by impugned order dated 30.08.2017 without meeting the reasons and without following the decision of Supreme Court in the matter of **Wander Limited and another v. Antox India P. Ltd** reported in **1990 (Supp)**

SCC 727 and, therefore, the impugned order is liable to be set-aside.

(2) Learned counsel appearing for the respective respondents/defendants would support the impugned order and oppose the submission made by learned counsel for the petitioner/plaintiff.

(3) I have heard learned counsel for the parties, considered their rival submission made herein above and perused the impugned order with utmost circumspection.

(4) After hearing learned counsel for the parties and considering the fact that the application for grant of temporary injunction was allowed by the trial Court, which has been reversed by the Appellate Court and this Court by order dated 30.10.2017 has also granted interim relief in favour of the petitioner/plaintiff, therefore, it would be expedient to direct the trial Court to consider and decide the suit expeditiously within a period of three months from the date of receipt of certified copy of this order.

(5) For a period of three months, interim relief granted by this Court by order dated 30.10.2017 shall remain in force.

(6) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-