

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.4375 of 2006

(Arising out of order dated 12-5-2006 in Execution Case No.1/2005 of the learned District Judge, Jashpur)

1. State of Chhattisgarh, Through the Collector, Jashpur, District Jashpur (C.G.)

(Defendant/Judgment Debtor)

2. Secretary, Krishi Upaj Mandi Samiti, Patthalgaon, District Jashpur (C.G.)

(Objector)

---- Petitioners

Versus

1. Govind Ram Agrawal (dead) represented through legal representatives

1.a. Pramod Agrawal, S/o Late Govind Agrawal, aged about 50 years

1.b. Rajesh Kumar Agrawal, S/o Late Govind Agrawal, aged about 48 years

1.c. Sanjay Agrawal, S/o Late Govind Agrawal, aged about 46 years

1.d. Smt. Sudha Agrawal, D/o Late Govind Agrawal, aged about 44 years

1.e. Dinesh Agrawal, S/o Late Govind Agrawal, aged about 42 years,

1.f. Smt. Sumitra Agrawal, D/o Late Govind Agrawal, aged about 40 years

1.g. Chandrakala Agrawal, D/o Late Govind Agrawal, aged about 38 years

1.h. Smt. Sarita Agrawal, D/o Late Govind Agrawal, aged about 36 years

All R/o In front of Town Hall, Raigarh, P.S. Raigarh, Tahsil and District Raigarh (C.G.)

2. Mahaveer Prasad Agrawal (dead) represented through legal representatives

2.a. Anand Agrawal, S/o Late Mahaveer Agrawal, aged about 43 years, R/o In front of Town Hall, Raigarh, P.S. Raigarh, Tahsil and District Raigarh (C.G.)

(Plaintiffs/Decree Holders)

---- Respondents

For Petitioners/State: Mr. Prafull Bharat, Additional Advocate General.
For Respondent No.1.a: Mr. Vineet Kumar Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/10/2017

1. This writ petition has been filed by the State/petitioners calling in question legality, validity and correctness of the order dated 12-5-2006 passed by the District Judge, Jashpur in Execution Case No.1/2005, whereby the learned District Judge has rejected the objections raised by the petitioners.
2. Learned State counsel would submit that decree has been obtained by the respondents / defendants (therein) in Execution Case No.1/2005 by fraud against which petitioner No.2 has filed suit for declaration of title over the suit land bearing Khasra No.4 area 1.56 acres.
3. Mr. Vineet Kumar Pandey, learned counsel appearing for respondent No.1.a, would support the impugned order.
4. The trial Court has granted temporary injunction restraining the defendants on 28-3-2006, in the suit filed by petitioner No.2 and on the basis of which petitioner No.2 filed an application for staying the pending execution of Execution Case No.1/2005 which has been rejected by the impugned order.
5. This Court had entertained the writ petition on 18-8-2006 and further proceeding of the execution has been stayed by order dated 18-8-2006 and since then, the petition is pending consideration. The suit is pending consideration since 1-2-2006. Therefore, it would be expedient to direct the trial Court to expedite the proceeding of suit

and conclude the trial of the suit within three months from the date of receipt of a copy of this order. It is ordered accordingly.

6. Since the interim order is operating since 18-8-2006 and none of the parties have taken any interest for getting the matter heard finally, it is directed that interim order dated 18-8-2006 will be operative for a period of three months within which the suit has to be finally disposed off.
7. With the above-stated observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma