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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.45 of 2017**

Mrityunjay Mishra S/o late Vachan Prasad Mishra, aged about 49 years, R/o Near Old Bus Stand, Ranhat Road Pratappur, Post, P.S. & Tahsil-Pratappur, District Surajpur (CG)

-----Petitioner**Versus**

1. Girja Shankar Mishra S/o. Vishnudatt Mishra, aged about 74 years, R/o. In front of Pradeep Ata Chakki, Kedarpur, Ambikapur, P.S. & P.O. Ambikapur, District Surguja (CG)
2. Sushil Mishra S/o. Late Ramashankar Mishra, aged about 32 years,
3. Suresh Mishra s/o. Late Ramashankar Mishra, aged about 27 years,
4. Shailesh Mishra S/o. Late Ramashankar Mishra, aged about 24 years,
5. Smt. Shanti Devi Wd/o. Late Ramashankar Mishra, aged about 55 years,

Respondent No.2 to 4 are R/o. Village Sinnduria, P.O. Rajpur, P.S. Mali, District Aurangabad, Bihar

6. Suresh Mishra S/o. Late Shyamdatt Mishra, aged about 67 years, R/o. Satyendra Nagar, Road No.4, Aurangabad, Bihar
7. State of Chhattisgarh through Collector Surajpur, P.S. & P.O. Surajpur, District Surajpur C.G.

----- Respondents

For Petitioner	:	Ms Priyanka Mehta, Advocate
For Respondent No.7	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/02/2017**

1. The petitioner/plaintiff filed a suit for declaration of title and permanent injunction against respondents No.1 to 6. He also

filed an application for temporary injunction. The trial Court by its order dated 11.7.2016 rejected the application. Against which, the petitioner preferred an appeal before the Additional District Judge, Pratappur, which has also been dismissed. Being aggrieved and dissatisfied with the said order, the present writ petition under Article 227 of the Constitution of India has been filed.

2. Learned counsel for the petitioner would submit that the Tahsildar is proceeded with the partition and if the temporary injunction is not granted in favour of the petitioner, he will suffer irreparable loss which cannot be compensated in terms of money.
3. I have heard learned counsel appearing for the petitioner and perused the order impugned.
4. In a suit filed by the petitioner/plaintiff, he claimed temporary injunction and prayed that the defendants be restrained from taking forceful possession. The trial Court has concurrently held that the petitioner is not entitled for temporary injunction and rejected the application, which has been affirmed by the First Appellate Court in appeal. I do not find any illegality or perversity in the order impugned.
5. Since, suit was filed on 14.7.2015 and there is no substantial progress in the trial for more than one and half years, the trial Court is directed to decide the suit within a period of three months from the date of appearance of the petitioner i.e. 20.2.2017. The petitioner is at liberty to inform the revenue

Court/Tahsildar concerned along with certified copy of this order that suit is pending before the civil Court and this court has directed for conclusion of the suit within a period of three months from 20.2.2017.

6. With the aforesaid direction, the writ petition finally stands disposed of. No order as to cost(s).

Sd/-
(Sanjay K.Agrawal)
Judge

B/-