

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.492 of 2017

Agnishwar Dey, S/o Shri Seepan Dey, aged about 19 years, R/o
New Mana Camp, Tahsil & District Raipur (C.G.)

---- Petitioner

Versus

1. Dinesh Kumar Jaiswal, S/o Shri Kunjram Jaiswal, R/o Jora Talab,
Sarkanda, Bilaspur (wrongly written as District Govind Sarang)
Tahsil & District Bilaspur (C.G.)
2. Seepan Dey, S/o Dharendra Chand Dey, R/o Om Dham Colony,
New Mana Camp, Tahsil & District Raipur (C.G.)
3. State of Chhattisgarh, Through Collector, District Raipur (C.G.)
---- Respondents

For Petitioner: Mr. Rakesh Dubey, Advocate
For Respondent No.3/State: Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board21/07/2017

1. In a suit filed by the plaintiff petitioner for declaration of title and permanent injunction, an application for temporary injunction came to be rejected by the trial Court finding no prima facie case, no balance of convenience and consequently, no irreparable loss to the plaintiff petitioner if temporary injunction was not granted which was upheld by the appellate Court in miscellaneous appeal preferred by the petitioner plaintiff against which this writ petition has been filed.
2. Learned counsel for the petitioner plaintiff would vehemently submit

that concurrent finding recorded by the two courts below finding no prima facie case in favour of the plaintiff petitioner is perverse and contrary to record and therefore it is liable to be set aside.

3. The two courts below have concurrently held that the plaintiff has no prima facie case for grant of temporary injunction restraining the respondents and rejected the application for temporary injunction. Concurrent findings of the two courts below are finding of fact based on the material available on record and I do not find any jurisdictional error in the same requiring interference. Consequently, the writ petition is dismissed in limine. However, since the suit was filed on 17-11-2015, the trial Court is directed to expedite the trial and conclude the same as early as possible preferably within eight months from the date of receipt of a copy of this order, looking to the nature of suit filed by the plaintiff. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge