

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.522 of 2017

1.Smt. Savitri Bai Chandrakar, wife of Shri Shyamu Chandrakar, aged about 63 years, resident of post and village Khouly, Tahsil Mandir Hasaud, District Raipur (CG).

2. Smt. Dropadi Bai Chandrakar, Wife of Shri Ishwari Chandrakar, daughter of Mannulal Chandrakar, aged about 58 years, resident of Kauwadih, Batagaon, Tahsil Palari, District Raipur (CG).

3. Smt. Rameshwari Bai Chandrakar, wife of Shri Ramsharan Chandrakar, daughter of late Mannulal Chandrakar, resident of Village and post Rasani, Aarang, District Raiipur (CG).

---- Petitioners

Versus

1. Dinesh Chandrakar, aged about 49 years, son of Shri Mannu Lal Chandra, Occupation Cultivator, resident of Farfaud, Tahsil Aarang, Tahsil Aarang, District Raipur (CG).

2. Uttam Chandrakar, aged about 53 years, son of Shri Mannu Lal Chandra, Occupation Cultivator, resident of Farfaud, Tahsil Aarang, Tahsil Aarang, District Raipur (CG).

---- Respondents

For Petitioners : Mr. G.M. Hasan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

01/08/2017

(1) In a suit filed by the respondents/plaintiffs herein for temporary injunction before the trial Court, the trial Court has granted temporary injunction in favour of the respondents/plaintiffs against which, the present petitioners/defendants preferred Miscellaneous Civil Appeal under Section 43 Rule 1 of CPC before the First Appellate Court. The said Court has affirmed the order of the trial Court and dismissed the appeal by its impugned order dated 17.03.2017. Against that order, the petitioners/defendants have preferred this writ petition under Article 227

of the Constitution of India.

(2) Learned counsel appearing for the petitioners/defendants would submit that the impugned order dated 17.03.2017 passed by the First Appellate Court and affirmed the order of trial Court is perverse, which is liable to be set-aside.

(3) I have heard learned counsel for the parties and perused the impugned order.

(4) The trial Court has clearly held that the plaintiffs have prima-face case and balance of convenience and if temporary injunction would not be granted in favour of them, they are likely to be irreparable loss, which is affirmed by the First Appellate Court.

(5) After hearing learned counsel for the parties, I do not find any perversity or illegality in the impugned order passed by the first appellate court which would warrant exercise of jurisdiction under Article 227 of the Constitution of India. However, the trial Court is directed to expedite the trial of the suit expeditiously preferably within a period of 09 months from the date of receipt of certified copy of this order.

(6) Consequently, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-