

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.562 of 2017**

1. C.G. Shaskiya Karamchari Ghrih Nirman Samiti Bilaspur Through President Shri Chandrakant Hela, R/o Near Briaspati Bazar, Rajendra Nagar, Tahsil & District Bilaspur, Chhattisgarh
2. Chandrakant Hela S/o Late Shri M.L.Hela, Aged About 64 Years R/o Near Braspati Bazar, Rajendra Nagar, Tehsil & District Bilaspur, Chhattisgarh

---- Petitioners**Versus**

1. Rajvindra Singh Beli S/o Late Harchand Singh Beli, Aged About 50 Years R/o Shanti Nagar, Ring Road No.02 Near Ranisati Temple, Tehsil & District Bilaspur, Chhattisgarh
2. Rajesh Verma Aged About 40 Years R/o Gondpara, In Front Of C I M S Hospital, Tehsil & District Bilaspur, Chhattisgarh
3. State Of Chhattisgarh, Through The Collector Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners : Mr. A.N. Pandey, Advocate
 For State : Mr. Gary Mukhopadhyay, Dy.G.A.

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

11/08/2017

(1) In a suit filed by the respondents/plaintiffs herein for declaration of title and permanent injunction against the petitioners/defendants before the trial Court, the trial Court has granted temporary injunction and allowed the application under Order 39 Rule 1 & 2 read with Section 151 of CPC in favour of the respondents/plaintiffs against which, the present petitioners/defendants preferred Miscellaneous 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 19.05.2017. 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 19.05.2017 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.

(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/-