

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 819 of 2017**

Resham Lal Devangan S/o Late Shri Badlu Dewangan, Aged About 59 Years R/o House No. 991, Adarsh Nagar, Kusmunda, Kathghora, District Bilaspur, Chhattisgarh(Defendant No.2)

---- Petitioner

Versus

1. Smt. Neetu Tiwari W/o Shri Chndrika Prasad Tiwari, Aged About 45 Years R/o Village Lakhuri, P.O. Lakhari, Tahsil Champa, Chhattisgarh (Plaintiff)
2. Durga Devangan S/o Late Shri Gend Ram Devangan, Aged About 45 Years R/o In Front Of Ashok Vihar Science College, Dabripara, Bilaspur, District Bilaspur, Chhattisgarh(Defendant No.1)
3. Chhattisgarh Government, Through Collector Bilaspur, Chhattisgarh(Defendant No.3)

---- Respondents

For Petitioner : Mr. Anand Shukla, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10/11/17**

1. In the suit filed by the respondent / plaintiff, the trial Court has granted temporary injunction in favour of the plaintiff finding *prima-facie* case, balance of convenience and also came to the conclusion that if temporary injunction is not granted to the plaintiff, the plaintiff will suffer irreparable loss. In the appeal preferred by the petitioner / defendant, the Appellate Court has affirmed the order of the trial Court and passed an order on 14.07.2017. Feeling aggrieved against that order this writ petition under Article 227 of the Constitution has been preferred by the petitioner.

2. Learned counsel appearing on behalf of the petitioner / defendant

would submit that the finding of the two Court's below holding *prima-facie* case in favour of the plaintiff suffers from serious infirmity apart from being perverse and, therefore, the impugned order is liable to be set aside.

3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

4. The finding recorded by the two Court's below finding *prima-facie* case in favour of the plaintiff as the petitioner / defendant was making construction on the plaintiff's land being Khasra No. 840/63 and hence granted temporary injunction in favour of the plaintiff which is a finding of the fact based on material available on record. I do not find any illegality or perversity in the order of the trial Court. However, the trial Court is directed to conclude the hearing of the suit expeditiously preferably within a period of six months from the date of receipt of copy of this order.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge