

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 755 of 2015**

Fattelal, son of Baraturam Karsh, aged about 55 years,
resident of Champa, Tahsil-Champa, District Janjgir-
Champa (C.G.) Applicant.

---- Petitioner**Versus**

Anup Kumar, son of Ganesh Prasad Gupta, aged about 35
years, resident of Champa, Tahsil- Champa, District
Janjgir-Champa (C.G.) ...Non-applicants

---- Respondent

For Petitioner: Mr. Subhash Yadav, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/05/2017**

(1) Learned counsel appearing for the petitioner/plaintiff would submit that the petitioner has filed a civil suit for specific performance of contract against one Jawahar Lal Pandey and respondent- Anup Kumar, who are subsequent purchaser of the suit land. In the meanwhile, respondent -Anup Kumar filed an application under Section 250 of the C.G. Land Revenue Code, 1959 against the petitioner for restoration of possession. He submits that the petitioner/plaintiff has made an application before Tahsildar for staying the proceedings during pendency of the suit. He in all fairness submits that the proceedings should have been stayed.

(2) I have heard learned counsel appearing for the petitioner.

(3) Since the petitioner's suit is pending before the trial Court, the petitioner is at liberty to make application under Order 39 Rules 1 & 2 of the CPC before the trial Court to protect his possession till the suit is finally decided.

(4) Accordingly, it is directed that if the petitioner makes an application under Order 39 Rules 1 & 2 of the CPC, the trial Court shall consider and decide the same expeditiously.

(5) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-