

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.197 of 2015

1. Kamlesh Kumar Keshari, S/o Shri Madan Chand Keshari, aged about 48 years, R/o Deviganj Road, Ambikapur, P.S. Post and Tahsil Ambikapur, Civil & Revenue District Surguja (CG).

2. Dinesh Kumar Keshari, S/o Madan Chand Keshari, aged about 45 years, R/o Deviganj Road, Ambikapur, P.S. Post and Tahsil Ambikapur, Civil & Revenue District Surguja (CG).

---- Petitioners

Versus

1. Madan Chand Keshari, S/o late Ramdayal Sao, aged about 72 years, R/o Deviganj Road, Ambikapur, At present R/o Near Namnakala Power House, Ambikapur, P.S. Gandhinagar, Post & Tahsil Ambikapur, Civil & Revenue District Surguja (CG).

2. Rakesh Kumar Vishwakarma, S/o Shri Girwar Prasad Vishwakarma, aged about 44 years, R/o Gandhinagar, Ambikapur, P.S. Gandhinagar, Post & Tahsil Gandhinagar, Civil & Revenue District Surguja (CG).

--- Respondents

For Petitioner : Ms. Priyanka Mehta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/09/2017

Heard.

(1) Learned counsel appearing for the petitioners would submit that despite the orders of District Judge dated 25.01.2006 and 25.02.2015 directing that all the three civil suits being Civil Suit No.29-A/2014, Civil Suit No.5-A/2014 & Civil Suit No.30-A/2014 be heard and decided by one court for avoiding the possibility of conflicting judgment, yet the trial Court by its impugned order dated 10.03.2015 has rejected the application filed for hearing the suits analogously and passing the

common judgment.

(2) None appeared on behalf of the respondents, though served.

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

(4) It appears from the records that the learned District Judge by orders dated 25.01.2006 and 25.02.2015 has transferred all the said three civil suits in one court for hearing and deciding the suits analogously for avoiding the possibility of conflicting judgment, yet the trial Court by impugned order has rejected the application filed by the petitioners/plaintiffs. Since the District Judge has already transferred all the three civil suits in one court for hearing and passing the common judgment, it would be expedient to direct the trial Court to hear all the three civil suits analogously and thereafter deliver the judgment. Accordingly, the impugned order dated 10.03.2015 is hereby set-aside. However, the trial Court is directed to expedite the trial of all the three suits.

(5) Accordingly, the writ petition is allowed to the extent indicated hereinabove. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-