

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal No. 68 of 2015**

{Arising out of order dated 16.06.2015 passed in Civil Suit No. 55 of 2015 by the 3rd Additional District Judge, Raipur}

1. Nagar Palik Nigam, Through Commissioner, Near Gandhi Chowk, Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Nagar Palik Nigam, Raipur, Near Gandhi Chowk, Raipur, District Raipur, Chhattisgarh.

---- Appellants**Versus**

Ashok Vatika Land Developers Private Limited, Pandri, Raipur, Chhattisgarh
Through Director Shri Chhagan Mundada, S/o Shri Kedanu Mundada, Pandri,
Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Appellants	: Shri H.B.Agrawal, Senior Advocate with Smt. Prabha Sharma, Advocate.
For Respondent	: None.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Judgment on Board**29/06/2018**

1. Heard the learned senior counsel for the Appellants.
2. None appears on behalf of Respondent, though served.
3. The Appellant-Nagar Palik Nigam, Raipur and its Commissioner has filed this appeal challenging the order of the trial Court by which they were prohibited from effecting any construction or making any change in relation to a particular structure and road. The effect and operation of the order passed by the Trial Court stands stayed by this Court upon admission of this appeal on 21.08.2015. With the passage of time, it is to be noted that the parties are governed now by the situation obtained as per the interlocutory order dated 21.08.2015. The Plaintiff, a private limited company which appears to be involved in real estate or land

development activities has not appeared inspite of service of notice of this appeal. The situation now obtained for the last about three years on the basis of interlocutory order issued by this Court on 21.08.2015 ought to continue to govern the parties to secure the ends of justice; thereby, paving way for the trial and final disposal of the suit on all issues in accordance with law.

4. Hence, this appeal is ordered making absolute the interim order dated 21.08.2015 and directing that the Court below will decide the suit as expeditiously as possible, untrammelled by anything stated in the order impugned in this appeal.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE