

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 168 of 2016**

Punni Bai, aged about 50 years, D/o. Late Firanta Satnami, (wrongly mentioned as W/o.), R/o. Village Paragaon, R.I. Aarang, Tahsil Aarang, District Raipur (C.G.)(wrongly mentioned in the impugned order as appellant/plaintiff)

---- Petitioner

Versus

1. Jhalobai, W/o. Late Ganesh Satnami, R/o. Village Paragaon, Tahsil Arang, District Raipur (C.G.), presently at R/o. Village Kopra, Tahsil Rajim, District Raipur (C.G.)(wrongly mentioned in the impugned order as defendant/respondents) (Plaintiff)
2. State of Chhattisgarh, through Collector, District Raipur (C.G.)

---- Respondents

For Petitioner : Shri Y.C. Sharma, Advocate.
 For Respondent No. 2/State : Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/08/2018

(1) In a suit filed by the respondent No. 1/plaintiff for declaration of title and permanent injunction, she also filed application for temporary injunction under Order 39 Rule 1 & 2 of the CPC, which was allowed by the trial Court by order dated 27.02.2012.

(2) The petitioner/defendant preferred appeal under Order 43 Rule 1(r) of the Code of Civil Procedure there-against. The Appellate Court has also affirmed the finding so recorded by the trial Court and dismissed the appeal,

against which, the instant writ petition has been filed under Article 227 of the Constitution of India.

(3) Counsel for the petitioner submits that the impugned order passed by the appellate Court is perverse and contrary to law.

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

(5) The concurrent findings recorded by both the courts below that plaintiff has *prima facie* case, balance of convenience in her favour and that she will suffer irreparable loss if injunction is not granted is a finding of fact based on material available on record and it is not contrary to the record, as such, I do not find any illegality in the order impugned warranting interference by this Court in this petition.

(6) Accordingly, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed. However, the trial Court is directed to decide the suit expeditiously preferably within a period of four months from the date of receipt of copy of this order as the suit was instituted on 8th December, 2011.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

