

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 73 of 2018

1. Kundanlal Karda S/o Late Shri Gehimal, Aged About 74 Years R/o Panjabi Mohalla, Takhatpur, Tahsil Takhatpur District Bilaspur Chhattisgarh.....(Plaintiff), District : Bilaspur, Chhattisgarh
2. Dilip Kumar Karda, S/o Shri Kundanlal Karda, Aged About 47 Years R/o Panjabi Mohalla, Takhatpur, Tehsil Takhatpur District Bilaspur Chhattisgarh.....(Plaintiff), District : Bilaspur, Chhattisgarh ---
Petitioners

Versus

1. Naresh Kumar S/o Kundanlal Karda, Aged About 44 Years R/o Panjabi Mohalla, Takhatpur, Tahsil Takhatpur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Chanchal Kumar S/o Kundanlal Karda, Aged About 41 Years R/o Panjabi Mohalla, Takhatpur, Tahsil Takhatpur District Bilaspur Chhattisgarh.....(Defendant), District : Bilaspur, Chhattisgarh ----
Respondents

For the Petitioners : Mr. Sumit Singh, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.01.2018

1. Heard.
2. By this writ petition filed under Article 227 of the Constitution of India, the petitioner is only seeking a direction to the trial Court to decide the application preferred under Order 39 Rule 1 & 2 of CPC filed by the plaintiff within a specific period of time.
3. Learned counsel for the petitioner submits that a suit has been filed by the plaintiff for declaration and permanent injunction and the dispute is in between the family members . During the pendency of the suit an application was filed under Order 39 Rule 1 & 2 to restrain both the

defendants from raising any construction over the suit land as the subject property is under the dispute. It is further submitted that despite the fact that the application under order 39 Rule 1 & 2 has been filed, the same has not been decided till date.

4. Perused the orders especially the order sheet dated 14.11.2017 and subsequent orders. In view of the limited prayer made that the trial Court may be directed to decide the said application within a specified time, it is directed that the application filed by the plaintiff may be decided within a further period of two weeks from the date of production of copy of this order.
5. With such observation, this petition stands disposed.

**Sd/-
GOUTAM BHADURI
JUDGE**