

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 292 of 2018

Toran Lal, S/o Brij Lal, Aged About 46 Years, R/o. Village Bansi Banjari,
Tehsil Churia, Rajnandgaon Chhattisgarh.(Defendant No.1)

---- Petitioner

Versus

1. Sumit Gandhi, S/o. Late Manik Gandhi, Aged About 25 Years, R/o. Sadar Line, Tehsil Dongargaon, Rajnandgaon Chhattisgarh(Plaintiff)
2. State Of Chhattisgarh, Through Collector Rajnandgaon, District Rajnandgaon Chhattisgarh(Defendant No. 2)

---- Respondents

For Petitioner : Mr. Kshitij Sharma, Advocate

For State : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.04.2018

Heard

1. The present petition is against the order dated 16.12.2018 passed in Misc. Civil Appeal No.12/2018 by the First Additional District Judge Rajnandgaon. By such order, the injunction which was granted in favour of the respondent/plaintiff was affirmed by the appellate Court.
2. Learned counsel for the petitioner/defendant would submit that the learned Court below has failed to take into account the factum of possession to evaluate the fact that the plaintiff was not in possession of the suit land, therefore, wrong finding has been recorded.
3. Perusal of the orders would show that the finding has been arrived by both the Courts below on facts, therefore, this Court, in exercise of power under Article 227 of the Constitution, is not inclined to interfere with such orders.

4. Accordingly, the petition is dismissed at the admission stage itself. However, the trial Court is directed to expedite the trial and complete the hearing within a further period of one year.

Sd/-
(Goutam Bhaduri)
Judge

Ashok