

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 4 of 2017

1. Rajkumar Satnami S/o Puniram Satnami, Aged About 24 Years R/o Village Daubandhan Tahsil Bilaigarh District Baloudabazar-Bhatapara, Chhattisgarh.
2. Puniram Satnami S/o Dujuva Satnami, Aged About 66 Years R/o Village Daubandhan Tahsil Bilaigarh District Baloudabazar-Bhatapara, ChhattisgarhDefendants. **--- Appellants**

Versus

1. Devprasad Satnami S/o Dhaniram, Aged About 66 Years R/o Village Daubandhan Tahsil Bilaigarh District Baloudabazar-Bhatapara, ChhattisgarhPlaintiff,
2. Firaturam Satnami S/o Sadhai Satnami, Aged About 66 Years R/o Village Karbadabari Tahsil Bilaigarh District Baloudabazar-Bhatapara, Chhattisgarh.
3. Chhabitendra Satnami S/o Kartikram Satnami, Aged About 26 Years R/o Village Arjuni Tahsil Bilaigarh District Baloudabazar-Bhatapara, Chhattisgarh.
4. State of Chhattisgarh through Collector Baloudabazar District Baloudabazar-Bhatapara, ChhattisgarhDefendants No. 03, 04 & 05. **--- Respondents**

For the Petitioner	: Mr. Rajendra Kr Suryavanshi, Advocate
For Respondent No. 1	: Mr. Ravi Kumar Bhagat, Advocate
For the State	: Mr. D.R. Minj, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.09.2018

1. The present appeal is against the order dated 03.12.2016 passed by the District Judge, Balodabazar in Civil Suit No.69-A/2015 whereby the application filed by the plaintiff/respondent No.1 under order 39 Rule 1 & 2 has been allowed and the defendants were directed not to interfere in the land which is in possession of the plaintiff till final adjudication.

2. Learned counsel for the appellants would submit that the order is completely illegal as the sale deed exists in favour of the respondents whereby the entire land was sold, therefore, the possession of the plaintiff though is claimed is wrong. He further submits that the trial Court has failed to appreciate those facts and has passed the injunction order, therefore, the order needs to be corrected.
3. Perused the documents and the order impugned.
4. A perusal of the order would show that the allegations are levelled that the plaintiff Devprasad has obtained a loan of Rs.16,000/- from the respondent and in order to acknowledge the same, a sale deed by fraud has been executed. A perusal of the order would further reflect that when the fact came to fore, the report was made and in the meeting of Gram Panchayat it was resolved that the sale deed is outcome of fraud. The admission also exists to the fact that plaintiff Devprasad is in possession and actually no possession is handed over. The order also records that certain compromise has been effected between the family members of the appellant herein and the plaintiff wherein the appellants agreed that they will not press the application which has been filed for transfer of the name and they do not want to take any other action on the basis of sale deed. In any case the allegation of fraud exists which is still to be substantiated before the Court. The order also reflects that the respondent/plaintiff is in possession and the order of injunction is with respect to the fact that the plaintiff shall not be dispossessed from his possession and also the mutation would not be carried out.

5. In the facts and circumstances of the case, I do not find any infirmity in the order. Factually it has been averred that the plaintiff is in possession of the suit land and the sale deed is executed by outcome of fraud. Taking into consideration such facts situation of the case, I do not find any illegality in the impugned order warranting any interference in the same. The appeal has no merit and is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**