

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 541 of 2018**

1. Shivkumar S/o Late Heeraram, Aged About 66 Years R/o Village Bhaiyathan, P.S. Jhilmili, And P.O. Bhaiyathan, District Surajpur Chhattisgarh. (Plaintiffs)
2. Kashinath S/o Late Heeraram, Aged About 80 Years R/o Near Hanuman Temple Hasia River, Manendragarh, P.S. And P.O. Manendragarh, District Korea Chhattisgarh (Plaintiffs)
3. Parasnath S/o Late Heeraram, Aged About 78 Years R/o Village Jamdi, P.O. Bhaiyathan, District Surajpur Chhattisgarh. (Plaintiffs)

---- Petitioners**Versus**

1. Anuj Pratap Singh S/o Tapeswari Pratap Singh, Aged About 50 Years
2. Vikas Singh S/o Late Ambikeshwar Singh, Aged About 28 Years
3. Vishal Singh S/o Late Ambikeshwar Singh, Aged About 26 Years

Res. no.1 to 3 are R/o Village Bhaiyathan, P.S. Jhilmili And P.O. Bhaiyathan, District Surajpur Chhattisgarh..... (Defendants)

---- Respondents

For Petitioners : Ms. Priyanka Mehta, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/06/2018**

1. Heard.
2. Learned counsel for the petitioners submits that both the Courts below misdirected itself to hold that the plaintiffs have prayed for stay of the construction but actually the prayer was made that the defendants be restrained from entering into the land of the petitioners/plaintiffs as the defendant has constructed a wall on the joining of both the land and trying to

encroach upon the land by entering into the land of the petitioners, therefore, if the defendant enters into the land of the petitioners then it will give rise to multiplicity of the proceeding. She further submits that the suit is already pending for demolition of projection made over the part of the land of the petitioners.

3. Perused the documents and the application for injunction, wherein it is been prayed that the defendant be restrained from entering into the land of the petitioners. It is obvious that the defendant shall not enter into the land of the petitioners which belonged to them and in case if forcible entry is made then it will lead to actionable wrong. Taking into such fact that the suit is already pending, the trial Court is directed to adjudicate the suit as early as possible making all efforts without unnecessary delay. In the meanwhile, it is directed that the parties shall maintain status quo in respect of the suit property to avoid the multiplicity of the proceeding.
4. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu