

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A. No. 60 of 2014

1. Dashru, S/o. Jeevrakhan Yadav, Aged About 45 Years
2. Santosh, S/o. Vishnu Yadav, Aged About 40 Years
3. Smt. Chandrika Bai, D/o. Janau Yadav, Aged About 50 Years
4. Vishnu, S/o. Ratiram Yadav, Aged About 52 Years
5. Bhuri Bai, D/o. Balaram Yadav, Aged About 52 Years
6. Srawan Kumar, S/o. Vishnu Yadav, Aged About 24 Years

All Kastkar, R/o. Village Lalpur, Tahsil- Bhatapara, Civil & Revenue Distt. Balodabazar-Bhathapara, Chhattisgarh

---- Appellants

Versus

1. Naib Tahsildar, Nipaniya, Tahsil Bhatapara, Distt. Baloda Bazar-Bhatapara, Chhattisgarh
2. Sub Divisional Officer (Revenue), Sub Division Bhatapara, Distt. Baloda Bazar-Bhatapara, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat & Block- Bhatapara, Tahsil Bhatapara, Distt. Balodabazar-Bhathapara, Chhattisgarh
4. The Collector, Distt. Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Applicant : Mr. A.S.Rajput, Advocate

For Respondent : No representation, even in the second call.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.10.2018

Heard

1. The instant appeal is against the order dated 16.05.2014 passed by the Additional District Judge, Bhatapara, District Balodabazar-Bhatapara, whereby the application under Order 39 Rule 1 & 2 of C.P.C. was dismissed.
2. It is submitted that the road were being constructed over the land which belong to the appellants/ plaintiffs for which the suit for permanent injunction was brought. The Court by its order dated 16.05.2014 has dismissed the application to grant injunction.

Subsequently, this Court by its order dated 08.07.2014 has directed to maintain the status quo. The appellants are not able to make submission as to what is status of the actual construction whether it was carried out or not ? In any case, the issue is of 2014 and the submission of the counsel can only be appreciated during the course of evidence before the trial Court. Therefore, it is directed that the trial Court shall adjudicate the case within a further period of one year. In the meanwhile, the parties shall maintain the status quo as it exists, which was passed by the order dated 08.07.2014.

3. In view of the above, the appeal stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge