

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.883 of 2018

1. Amit Kumar Das, S/o. Shri Gladvin Das, Aged about 30 years, R/o Bhawe Nagar, Raja Talab, Raipur, District Raipur (CG)
2. Subash Ram S/o. Late Shri K.W. Ram Aged about 61 years, R/o Arya Colony, House No.37, Tifra, District Bilaspur (CG)

---- Petitioners

Versus

1. C.N.I. Sinod, Through Moderator Dr. Prem Chand Singh S/o. Late Shri H.D.S. Singh, Office Address-16, Pandir Pant Parg, C.N.I. Sinod, New Delhi
2. The Sinod of the Church of North India, Through Shri Alvin Masih, Aged about 60 years, R/o Village-16 Pandit Pant Marg, C.N.I. Sinod, New Delhi
3. Bishop Diocese of Chhattisgarh, Bishop Robert Ali, Aged about 65 years, R/o Office Address - Bishop Diocese of Chhattisgarh, in front of Raj Bhawan, Gate No.1, Civil Lines, Raipur, District Raipur (CG)
4. Rev. Shamsher Samuel, Aged about 55 years, Office Address-Bishop Diocese of Chhattisgarh in front of Raj Bhawan, Gate No.01, Civil Lines, Raipur, District-Raipur (CG)
5. Rev. Atul Arthur S/o Shri Nirmal Arthur, Aged About 50 Years Office Address- Bishop Diocese Of Chhattisgarh, In Front Of Raj Bhawan, Gate No. 01, Civil Lines, Raipur, District Raipur (CG)
6. C. Tawaris, S/o Shri Anthony Tawaris, Aged About 66 Years Office Address- Bishop Diocese Of Chhattisgarh, In Front Of Raj Bhawan, Gate No. 01, Civil Lines, Raipur, District Raipur (CG)

---- Respondents

For Petitioners	:	Mr.Sarfaraz Khan, Advocate
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Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/10/2018

1. in a suit filed by the petitioners/plaintiffs, they also filed an application under Order 39 Rule 1 & 2 of the CPC, which has been rejected by the trial Court finding no prima-facie case, no balance of convenience in their favour and in case temporary injunction is not granted they will not suffer irreparably, against which, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law.
3. After hearing learned counsel for the petitioner at length and after going through the record, it cannot be held that discretion has been

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exercised by the trial Court arbitrarily, perversely and capriciously while rejecting the application under Order 39 Rule 1 & 2 of the CPC and order of the trial Court has rightly been affirmed by the Appellate Court. I do not find any merit in this writ petition.

- 4.** Accordingly, the writ petition is dismissed. However, the trial Court is directed to expedite the trial and conclude the same within six months from the date of receipt of certified copy of this order. A copy of this order be sent to the concerned trial Court through concerned District Judge. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-