

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 806 of 2018**

Dhanush S/o Late Panchu Ram, aged about 55 years, Caste – Mahra, R/o Village – Pagbandhi Patwari Halka No. 4, Revenue Inspector Circle and Tahsil Dhamdha, District Durg (C.G.)

---- **Petitioner**

Versus

1. Smt. Tijiya D/o Manglu Caste – Mahar, aged about 56 years, R/o Village – Pagbandhi Patwari Halka No. 4, Revenue Inspector Circle and Tahsil Dhamdha, District Durg (C.G.)

2. State of Chhattisgarh, through the Collector, District Durg (C.G.)

---- **Respondents**

For Petitioner	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent No. 2 / State	:	Mr. Avinash Singh, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

19/09/18

1. In a suit filed by the plaintiff / petitioner herein for declaration of title, permanent injunction and declaration of the orders dated 18.06.2018 and 16.10.2017 as null and void, the application filed under Order 39 Rule 1 and 2 of CPC has been rejected by the trial Court finding no prima-facie case, balance of convenience and irreparable loss to the plaintiff which has been affirmed by the miscellaneous Appellate court against which this writ petition has been filed.

2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set aside.

3. I have heard learned counsel for the petitioner at length.

4. After hearing the counsel for the petitioner and perusal of the record, it cannot be held that the finding recorded by the two Courts below finding no prima-facie case in favour of the plaintiff is perverse and contrary to record. The discretion exercised by the two Courts below cannot be held to

be exercised arbitrarily, perversely or capriciously.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. However, the trial Court is directed to conclude the trial expeditiously within a period of four months from the date of receipt of copy of the order.

SD/-

(Sanjay K. Agrawal)
Judge