

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 840 of 2018**

1. Laxmi Bai W/o Premlal D/o Late Firanta, aged about 40 years, R/o Village Jora, Police Station – Telibandha, Tahsil and District Raipur (C.G.)
2. Savitri Bai W/o Late Firanta, aged about 60 years, R/o Village Jora, Police Station – Telibandha, Tahsil and District Raipur (C.G.) ---- **Petitioners**

Versus

1. State of Chhattigarh through Collector, Raipur, District Raipur (C.G.)
2. Smt. Kachra Bai D/o Shri Raruha Satnami, aged about 75 years, R/o Village Adsena, P.S. and Tahsil Palari, District Baloda Bazar (C.G.)
3. Dharmotin Bai W/o Shobha Ram Chandane, R/o village Jora, Police Station Telibandha, Tahsil and District Raipur (C.G.) ---- **Respondents**

For Petitioners	:	Mr. Krishna Kumar Dixit, Advocate.
For Respondent No. 1/ State	:	Mr. Arun Sao, Dy. A. G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/09/18**

1. The petitioners / plaintiffs have filed a suit for declaration that the partition order passed by the Tahsildar is null and void and also sought temporary injunction during the pendency of the suit by filing an application under Order 39 Rule 1 and 2 of CPC which was rejected by the trial Court finding that no prima facie case or balance of convenience lies in favour of the plaintiffs and no irreparable loss would be caused to the plaintiffs if temporary injunction is not granted which has been affirmed by the Appellate Court against which this writ petition has been preferred.
2. Learned counsel for the petitioners submits that the finding recorded by the two Courts below is perverse and contrary to record.
3. I have heard learned counsel for the petitioners.
4. Both the Courts below have concurrently found that there is no prima

facie case or balance of convenience and that no irreparable loss would be caused to the plaintiffs if temporary injunction is not granted which is a finding of fact based on material available on record in which I do not find any perversity or illegality warranting interference under Article 227 of the Constitution of India. However, as the suit is pending consideration since 19.05.2017 it would be expedient to direct the trial Court to decide the suit within four months from the date of receipt of copy of this order.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge