

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No. 236 of 2019**

- Saurabh Jain S/o S.C. Jain, Aged About 26 Years, through its Power of Attorney Holder- S.C. Jain, S/o Late Manak Lal Jain, R/o 59/5, Nehru Nagar, Bhilai, Tehsil and District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

**---- Petitioner**

**Versus**

1. Gulab Jain S/o Lal Chand Jain, Aged About 57 Years, R/o Shani Chari Bazar, Durg, Present R/o Ghasidas Plaza, 3<sup>rd</sup> Floor, Bhilai Builders, Amanaka, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Rakesh Baid S/o Gyanchand Baid, Aged About 50 Years, R/o Sector-10 Market, Bhilai Nagar, Teh. and District- Durg, Chhattisgarh, District : Durg, Chhattisgarh
3. Ankush Jain S/o Gulab Jain, R/o-Shanichari Bazar, Durg, Present R/o Ghasidas Plaza, 3<sup>rd</sup> Floor, Bhilai Builders, Amapara, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

**----Respondents**

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For Petitioner – Shri Prasoon Agrawal, Advocate.

For Respondent No. 1 and 3 – Shri Ashish Surana, Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**10-12-2019**

Heard.

1. Being aggrieved by the order dated 06-02-2019 passed by the First Additional District Judge, Durg, District Durg in Civil Suit No.15A/2017 this petition has been brought.
2. It is submitted that the petitioner was benefited with order of temporary injunction in his favour which was passed on 18-05-2018, however, the order passed was with a limitation for a period of six months. After expiry of six months the petitioner then filed application under Section 151 of the CPC praying for extension of the limit of the temporary injunction ordered. The learned Trial Court merely for the reason that the application was not filed during pendency of the limit of the order passed has rejected the application without considering on the reasons why the petitioner had preferred the application for extension. Hence, this petition.

3. Learned counsel for respondent No.1 and 3 opposes the petition and the submission made. It is submitted that order passed by the trial Court was self limiting, therefore, the petitioner is required to file fresh application.

4. After perusing the impugned order, it is found that the application filed has been rejected only on the ground of delay, whereas, copy of the application which is present in the record mentions about other reasons why the interim injunction granted earlier should have been extended. Therefore, I am of this view that the application has not been correctly decided. Hence, the petition is disposed off at the motion stage and the petitioner is given liberty to file repeat application making a prayer for grant of interim relief as may be required and as he may be advised by his counsel. Learned trial Court is also directed to consider and decide the application in accordance with law.

5. The petition stands disposed off.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**