

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 390 of 2019**

Smt. Kamla Devi Agrawal, aged about 74 years, Wife of Shri Durgaprasad Agrawal, Resident of Tilda, Tahsil- Tilda- Nevra, District- Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Dr. Devendra Nayak, C/o Shri Balaji Super Specialty Hospital, Dubey Colony, Mowa, Raipur, District Raipur, Chhattisgarh.
2. State of Chhattisgarh, through the Collector, District Raipur, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Dharendra Prasad Mishra, Advocate
For State/Respondent No. 2	:	Mr. Apurv Goyal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/05/19**

1. Petitioner's/plaintiff's application under Order 39 Rule 1 & 2 of C.P.C had been rejected by the trial Court vide order dated 12/03/2018 which was upheld by the miscellaneous appellate Court vide order dated 01/11/2018, finding no *prima facie* case in her favour and no irreparable loss would be caused if temporary injunction is not granted to her, against which she has preferred this writ petition under Article 227 of the Constitution of India.
2. Learned counsel for the petitioner/plaintiff submits that the impugned order dated 01/11/2018 is unsustainable and bad in law and is liable to be set aside.

3. I have heard learned counsel for the petitioner, considered his submissions and went through the records with utmost circumspection.
4. Taking into consideration the finding of two Courts below holding that petitioner/plaintiff has no prima facie case in his favour for grant of temporary injunction and the suit is pending since 21/04/2016 and since, there is no substantial progress in the trial, it would be expedient to direct the trial Court to decide the suit within six months from the date of receipt of the copy of this order.
5. With the aforesaid direction, this Writ Petition under Article 227 of the Constitution of India stands disposed of. No cost(s).
6. A copy of this order be sent to the concerned trial Court by e-mail/fax for needful and compliance.

Sd/-
(Sanjay K. Agrawal)
Judge