

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal No.45 of 2018**

- Vijay Soni Late Gayashanker Soni Aged About 60 Years R/o Manjhapara Kanker, District Kanker Chhattisgarh.

---- Appellant**Versus**

1. Ramniwas Agrawal S/o Late Jodhanram Agrawal Aged About 74 Years R/o Bhoipara, Subhashpara Ward Kanker, Tahsil Kanker, District Kanker Chhattisgarh. (Plaintiff)
2. Naresh Kumar Soni S/o Late Chhannalal Soni Aged About 39 Years R/o Manjhapara Kanker, District Kanker Chhattisgarh. (Defendant No. 2)
3. Smt. Mankunwar Soni D/o Late Chhannalal Soni, Aged About 61 Years R/o Manjhapara Kanker , District Kanker Chhattisgarh. (Defendant No. 3)
4. State Of Chhattisgarh Through Collector, North Bastar Kanker Chhattisgarh.

---- Respondents

For the Appellant : Shri Malay Kumar Bhaduri, Advocate
 For Respondent No.1 : Shri Surfaraj Khan, Advocate
 For Respondent No.4/State: Smt. Smita Jha, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****08.7.2019.**

1. This miscellaneous appeal is directed against Order dated 23.4.2018 passed by Additional District Judge (FTC), North Bastar Kanker (CG) in Civil Suit No.4A/2017 wherein the said Court granted interim injunction against the appellant and restrained him from transferring land situated at plot No.37 sheet No.17A, area 200 sq.meter and from interfering with the possession of respondent No.1. The order is operative against respondents No.2 and 3 also.

2. The appellant herein entered into an agreement with respondent No.1 to sell the property mentioned above for consideration of Rs.12 lakh and possession is also handed over to respondent No.1. Looking to the prima facie case in favour of respondent No.1, the trial Court ordered accordingly.

3. After hearing both sides and looking to the agreement, it appears that the appellant entered into an agreement for alienating the property and handed over the possession of the same, therefore, respondent No.1 has prima facie case and also has balance of convenience and with point of irreparable loss. Therefore, the trial Court is right in awarding interim relief to respondent No.1 which is not liable to be interfered with invoking jurisdiction of appeal. Therefore, this appeal has no force.

4. When interim order is passed against a party, the case should be decided on merits as early as possible. Therefore, the trial Court is directed to dispose of the suit as early as possible.

5. Accordingly, the appeal is dismissed at the motion stage itself.

Sd/-
(Ram Prasanna Sharma)
JUDGE