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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 465 of 2019**

1. Ramesh Kumar S/o Shri Ghasiram Pradhan, aged about 47 years
2. Naresh Kumar S/o Shri Ghasiram Pradhan, aged about 45 years

Both are Resident of Village- Paterpali Thana and Tahsil- Saraypali,
Distt. Mahasamund Chhattisgarh

---- Petitioners/Plaintiffs**Versus**

1. Smt. Yashoda W/o Shri Ganesh Pradhan, aged about 31 years
2. Manoj S/o Shri Ganesh Pradhan, aged about 31 years

Both are Resident of Village- Paterpali Thana and Tahsil- Saraypali,
Distt. Mahasamund Chhattisgarh

3. State of Chhattisgarh, through Collector Mahasamund, Distt. Mahasamund Chhattisgarh

-----Respondents/Defendants

For Petitioner	:	Mr. Sunil Sahu, Advocate.
For respondent No. 3	:	Mr. Apoorv Goyal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/06/2019**

1. In a suit filed by the petitioners/plaintiffs, they also preferred an application under Order 39 Rule 1 and 2 of CPC for grant of temporary injunction. The aforesaid application was rejected by the trial Court finding no prima-facie case in their favour, no balance of convenience

lies and no irreparable loss would be caused if temporary injunction is not granted to them, against which they preferred miscellaneous appeal under Order 43 Rule 1(r) of CPC. The Misc. Appellate Court dismissed the appeal and affirmed the order of the trial Court rejecting temporary injunction, against which this writ petition under Article 227 of the Constitution of India has been preferred.

2. Learned counsel for the petitioners/plaintiffs would submit that the concurrent findings recorded by two Courts below holding that petitioners/plaintiffs have no prima-facie case in their favour is based on perverse ground and is liable to be set aside.
3. I have heard learned counsel for the petitioners/plaintiffs, considered his submissions made herein-above and gone through the record with utmost circumspection.
4. Two Courts below have clearly held that the petitioners/plaintiffs have no prima-facie case in their favour and they are not entitled for temporary injunction. I do not find any illegality or perversity in the said finding. Since the suit is pending consideration from 5-7-2017, therefore, the trial Court is directed to conclude the trial and decide the suit within 8 months from the date of receipt of a copy of this order.
5. With the aforesaid observation, this writ petition finally stands disposed of.

Sd/-

(Sanjay K. Agrawal)

Judge