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HIGH COURT OF CHHATTISGARH, BILASPURFA No. 200 of 2016

1. St. Francis Education Society Registration No. BIL-DN 2864
Saraf House 335 Kranti Nagar Bilaspur 495004 C/o
G.S.Patnaik S/o G.K.M. Patnaik Secretary St. Francis
Education Society (Earlwlst Tritiya Milenium Education
Society Bilaspur, (Chhattisgarh)) For St. Xavier Group Of
Schools.
2. St. Xavier Higher Secondary School C.C.I. Town Ship C/o
Principal Mrs. Janice T Tiwari St. Xavier Higher Secondary
School C.C.I. Town Ship Akaltara Tah. Akaltara Distt.
Janjgir-Champa, Chhattisgarh. ----- **Appellants**

Versus

- Cement Corporation Of India Limited C/o Maha Prabandhak,
Cement Corporation Of India Limited Akaltara Tah. Akaltara
Distt. Janjgir-Champa, Chhattisgarh. ----- **Respondent**

For Appellants	:-	Shri Avinash Mishra, Advocate
For Respondent	:-	Shri Vinod Deshmukh, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag.CJHon'ble Shri Parth Prateem Sahu,J.
Judgment On BoardByPrashant Kumar Mishra, Ag. CJ11/04/2019

1. Appellant has suffered a decree for delivery of possession,
payment of damages to the tune of Rs. 8 lacs together with

interest at the rate of 6% per annum.

2. At the outset, learned counsel for the appellant would submit that the appellant is running a High School in the subject premises and during pendency of this appeal, they have started construction of school on their own land, therefore, they would not press the appeal on merits, however, the appellant would seek one and half years time to vacate the premises so that they shift to new building in the next academic session. Appellant would also agree to pay damages from the date of decree till delivery of possession at the rate of Rs 17000/- per month.
3. Learned counsel for the respondent would submit that appellant has not paid current rent to the respondent after filling of this appeal.
4. Considering the fact that the appellant is ready to vacate the premises and pay current damages, but he only seeks sometime to vacate it and that the appeal is not pressed on merits, the first appeal is disposed of without interfering with the decree on merit, however, the appellant is allowed time till 30th May, 2020 to vacate the premises and pay damages to the respondent from the date of decree till 30th May, 2020 at the rate of Rs.17000/- per month which is assessed applying the formulae which the trial Court has allowed under the impugned decree for awarding damages at para 15 of the impugned judgment.
5. The first appeal stands disposed of in the above terms. A decree be drawn accordingly.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge