

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.639 of 2019

1. Sanjay Agrawal, S/o Shri Netram Agrawal, aged about 46 years
2. Mrs. Rama Agrawal, W/o Shri Sanjay Agrawal, aged about 40 years

Village No.127, Maruti Life Style, Kota Road – 492001, P.S. Saraswati Nagar, Raipur (C.G.)

---- Petitioners

Versus

1. Netram Agrawal, S/o Late Shri Manohar Lal Agrawal, age 70 years
 2. Sandeep Agrawal, S/o Shri Netram Agrawal, aged about 38 years
- Both R/o 49, Nehru Nagar, Bhilai, District Durg (C.G.)
3. State of Chhattisgarh, Through District Collector, Durg, Collectorate, Durg (C.G.) 491001

---- Respondents

For Petitioners: Mr. Abhinav Kardekar, Advocate.

For Respondents No.1 and 2: -

Mr. Ankit Singhal, Advocate, on advance copy.

For Respondent No.3 / State: -

Mr. Anshuman Rabra, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/08/2019

1. By the impugned order, the defendants' application under Section 10 of the CPC has been rejected by the trial Court finding the application as merit-less and substance-less as well. Questioning that order this writ petition has been preferred.
2. Learned counsel for the petitioners herein / defendants submits that the order impugned is unsustainable and bad in law.
3. Learned counsel for respondents No.1 & 2 herein / plaintiffs, on advance copy, would submit that the defendants had earlier filed W.P.

(Art. 227)No.14/2019 for expediting the trial of the suit which this Court has expedited and directed for concluding the same within a period of six months by order dated 9-1-2019 and thereafter, the defendants' opportunity to lead evidence was closed which was also granted by this Court in W.P.(Art. 227)No.532/2019 on 5-7-2019 which the defendants / petitioners have complied and now, they have changed their stand and are seeking stay of the suit whereas, the cause of action is different, the suit property is different and parties are also different.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and went through the material available on record with utmost circumspection.
5. After hearing learned counsel for the parties and considering the submissions, it is quite apparent that the suit property in both the suits are different, parties to the suit are different, cause of action in both the suits is also different. Even otherwise, the plaintiffs have sought early disposal of Civil Suit No.3-A/2013 which this Court on 9-1-2019 has granted in W.P.(Art. 227)No.14/2019 and thereafter, opportunity to lead evidence has also been granted to the petitioners / defendants. In view of that, I do not find any merit in the petition questioning the impugned order. It is hereby dismissed with no order as to cost(s).
6. A copy of this order be sent to the trial Court by e-mail / fax.

Sd/-
(Sanjay K. Agrawal)
Judge