

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 703 of 2019**

1. Ragmaen, W/o Shri Bundel, Aged about 47 years, R/o Village Pidha, P.S. & Tahsil Surajpur, District Surajpur, Chhattisgarh.

---Petitioner/Defendant No. 4**Versus**

1. Ramkariman S/o Late Shri Beegan, Aged about 60 years, R/o Village Pidha, P.S. & Tahsil Surajpur, District Surajpur, Chhattisgarh.

--- Plaintiff

2. Phoolbasiya, W/o Late Shri Jagdish, Aged about 55 years, R/o Korreya School Para, P.S. Jainagar, Tahsil and District Surajpur, Chhattisgarh.

--- Defendant No. 1

3. Nanki D/o Late Shri Beegan, Aged about 45 years, R/o Village Pasla, P.S. & Tahsil Surajpur, District Surajpur, Chhattisgarh.

– Defendant No. 2

4. State of Chhattisgarh, through Collector, Surajpur, District Surajpur, Chhattisgarh.

--- Defendant No. 3**---- Respondents**

For Petitioner : Mr. Surfaraj Khan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****26/09/2019**

1. This writ petition under Article 227 of the Constitution of India has been preferred by the petitioner calling in question the legality, validity and correctness of the order dated 13/03/2019 passed by learned 2nd Additional District Judge, Surajpur by which plaintiff's appeal under Order 43 Rule 1 (r) of the CPC has partly been allowed and

temporary injunction has been granted against the petitioner/defendant No. 4.

2. Mr. Surfaraj Khan, learned counsel for the petitioner, at the outset, would submit that the civil suit was filed by the plaintiff on 03/10/2013 and on account of pendency of the interim application and thereafter, on account of the appeal preferred by the plaintiff, the civil suit has not progressed at all till date, therefore, instead of dwelling upon the merits of the matter, learned trial Court be directed to expedite the trial and dispose of the civil suit without being influenced by any of the observations made in the order passed by the trial Court as well as by the order passed by the first appellate Court.
3. The above-stated prayer made by learned counsel for the petitioner appears to be fair and reasonable.
4. Considering that the suit is pending since 03/10/2013 and on account of the interlocutory application for injunction, trial has not progressed effectively, as such, learned trial Court is directed to consider and dispose of Civil Suit No. 142-A/2013 within six months from the date of receipt of a copy of this order.
5. With the aforesaid direction, this writ petition stands disposed of. No order as to 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