

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.A. No. 2 of 2019**

1. Jain And Brothers A Partnership Firm, Budhapara, Sadar Bazar, Raipur, Chhattisgarh.
2. Inderchand Dhariwal S/o Late Uttamchand Dhariwal Aged About 69 Years R/o 11/2, Sadar Bazar, Raipur, Chhattisgarh.
3. Smt. Pushpa Surana W/o Late Deepak Surana Aged About 54 Years R/o Shankar Nagar, Raipur, Chhattisgarh.
4. Smt. Garima Nahar D/o Late Deepak Surana Aged About 54 Years R/o Shankar Nagar, Raipur, Chhattisgarh.....(Plaintiffs).

---- Appellants**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Housing And Environment, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh.
2. Raipur Development Authority G.E. Road, Raipur, Chhattisgarh.....(Defendants)

---- Respondents

For Petitioners:	Shri G. D. Vaswani, Advocate.
For State/Respondent No. 1:	Shri Rahul Jha, Govt. Advocate.
For Respondent No. 2:	Shri Arvind Shrivastava, Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****30.01.2019**

1. This miscellaneous appeal has been preferred under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908 against the order dated 23.10.2018 passed by the 2nd Additional District Judge, Raipur, District- Raipur in Civil Suit No. 71/2016 by which, the application filed by the appellants' under Order 39 Rules 1 & 2 of the Code of Civil Procedure has been rejected.
2. At the outset, after considering the submissions of the parties made herein, I am not inclined to interfere the order impugned passed by the trial

Court on 23.10.2018. However, in the interest of justice and particularly with regard to the fact that alleged cause of action arose in the year of 1985, I am inclined to direct the trial Court to decide the suit itself on merits as soon as possible preferably within a period of three months from today without influencing any of the observations made at paragraph 6 of its order impugned.

3. With the aforesaid observation, the appeal is, accordingly, disposed of. No order as to costs.

Sd/-
(Sanjay Agrawal)
JUDGE