

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (227) No. 03 of 2019**

1. Bhogilal, aged about 65 years, S/o Usatram Aghariya,

2. Jagatram, aged about 55 years, S/o Usatram Aghariya,

Both are R/o Vill. - Dayalpur, Tah. - Bilaigarh District Balodabazar- Bhatapara (C.G.)

**----Petitioner/Respondents No. 1 & 2**

**Versus**

1. Ajay Kumar, aged about 35 years, S/o Bhisham Dev Aghariya, r/o Vill- Dhansir,  
Tah.- Bilaigarh, District Balodabazar-Bhatapara (C.G.) .... (Appellant)

2. State of Chhattisgarh, Through- Collector, Balodabazar- Bhatapara (C.G.)  
(Defendant No. 2)

**----Respondents. .**

For Petitioners : Shri Rakesh Thakur, Advocate.

For Respondent No. 2 : Shri Vimlesh Bajpai, Govt. Advocate.

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**08/01/2019**

(1) By the impugned order dated 24.09.2018, while allowing the application under Order 41 Rule 5 of the filed by respondent No. 1, stayed the execution proceedings filed by the petitioners before the trial Court, against which instant writ petition has been preferred.

(2) I have heard learned counsel for the petitioners and perused the impugned order.

(3) Be that as it may, since the first appellate Court has exercised its discretion in accordance while passing the impugned order, I do not find any illegality of perversity in the impugned order warranting interference under Article 227 of the Constitution of India.

(4) Accordingly, the writ petition fails and is hereby dismissed. However, since the appeal is pending consideration since long, the first appellate Court is directed to decide the appeal expeditiously in accordance with law.

Sd/-  
(Sanjay K. Agrawal)  
Judge



