

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 207 of 2020**

1. Atul Bajaj, S/o Late Shri Shankarlal Bajaj, Aged About 44 Years, R/o Bajaj Bhavan, Marwari Line, Lajpat Rai Nagar, Bilaspur, Tehsil And District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

1. Shewbhagwan Rameshwarlal Charitable Trust Bilaspur, Marwari Line, Khaparganj, Bilaspur, Tehsil And District : Bilaspur, Chhattisgarh
2. Kamal Bajaj, S/o Late Shri Ramniwas Bajaj, R/o Bajaj Bhavan, Marwari Line, Lajpat Rai Nagar, Khaparganj, Bilaspur, Tehsil and District : Bilaspur, Chhattisgarh
3. Chirag Bajaj, S/o Shri Kamal Bajaj, R/o Bajaj Bhavan, Marwari Line, Lajpat Rai Nagar, Khaparganj, Bilaspur, Tehsil And District : Bilaspur, Chhattisgarh
4. Rishab Bajaj, S/o Shri Kamal Bajaj, R/o Bajaj Bhavan, Marwari Line, Lajpat Rai Nagar, Khaparganj, Bilaspur, Tehsil And District : Bilaspur, Chhattisgarh
5. Ananya Bajaj S/o Shri Govind Bajaj R/o Bajaj Bhavan, Marwari Line, Lajpat Rai Nagar, Khaparganj, Bilaspur, Tehsil And District : Bilaspur, Chhattisgarh
6. Registrar, Public Trust, Bilaspur Cum Sub Divisional Officer (R), Bilaspur, District : Bilaspur, Chhattisgarh

... Respondent(s)

For Applicant	:	Mr. Abhyuday Singh, Advocate
For Respondents	:	None

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02.03.2020**

1. The present MCC has been filed seeking recalling of the order dated 23.01.2020 passed by this Court in WPC No. 311 of 2020.

2. The counsel for the applicant submits that the applicant has filed this petition with material suppression of facts inasmuch as the applicant has not brought to the notice of this High Court that an M.A. which was preferred by the present applicant namely, Atul Bajaj before the High Court challenging the order passed by the civil court rejecting the application granting temporary injunction and wherein the respondent no. 1 in the MCC was also a respondent. That there was an interim order granted by this Court on 23.10.2019 whereby the High Court in miscellaneous appeal had ordered that the respondent no. 1 to 5 not to create any third party interest in the disputed property till the next date of hearing. The respondent in the said miscellaneous appeal, who is one of the petitioners in WPC No. 311 of 2020 had moved an application for vacating the interim order granted on 23.10.2019 and the said application was rejected, as not pressed at the instance of the counsel for the petitioners in WPC No. 311 of 2020.
3. Surprisingly both, at the time of granting of the interim relief on 23.10.2019 and also on the date the rejection of the application for vacating stay on 15.10.2019, it is the same counsel, who had appeared for the parties, had also filed WPC No. 311 of 2020. To the further surprise of the Court, the petitioner has not disclosed the facts of the miscellaneous appeal preferred by one of the parties and the interim order being granted and continuation of the interim order. The application for vacating stay being rejected was also not disclosed in the writ petition or at the time of disposal of the WPC

No. 311 of 2020. Such conduct of the counsel for the petitioner is not appreciable at all.

4. The counsel for the applicant today seeks for recalling of the order dated 23.01.2020. It would be relevant at this juncture to reproduce the directions given by this Court while disposing off the said writ petition:-

“Without expressing any opinion on the merits of the case, this Court is of the opinion that the writ petition can be disposed of directing the respondent No. 2 to take a decision on the application filed by the petitioner i.e. Annexure P/4 dated 27.09.2019 at the earliest preferably within a period of two months from the date of receipt of the copy of this order.”

5. If the look into the observations made by this Court, it would be evidently clear that this Court had directed for disposal of the application seeking permission to sell the property pending before the Registrar. If the applicant herein is able to produce before the Registrar the interim order granted by this Court on 23.10.2019 and the order dated 15.01.2020 passed in MA No. 85 of 2019, this Court does not find any reason why the Registrar shall not take into consideration the said orders passed in MA while deciding the application. Reserving the right of the applicant to apprise the Registrar about the order passed by this High Court in the M.A., the present petition is disposed off.
6. With the aforesaid observations, the MCC stands disposed off.

Sd/-
(P. Sam Koshy)
Judge