

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.112 of 2021

1. Mar Baselious Vidya Bhawan Vaishali Nagar, P.O. Shanti Nagar Bhilai, District Durg Chhattisgarh. Through Fr. Kurien John, Vice- President, Mar Baselious Vidya Bhawan
2. Dr. Joseph Mar Dionysius, S/o Late Shri T.V. Mathai, Aged About 65 Years President, Mar Baselious Vidya Bhawan, Vaishali Nagar, P.O. Shanti Nagar, Bhilai, District Durg Chhattisgarh
3. Fr. Kurien John, S/o Shri P.K. John, Aged About 46 Years Vice-President, Mar Baselious Vidya Bhawan, Vaishali Nagar, P.O. Shanti Nagar, Bhilai, District Durg Chhattisgarh
4. B.V.K. Reddy, S/o B.D. Reddy, Aged About 60 Years Principal, Mar Baselious Vidya Bhawan, Vaishali Nagar, P.O. Shanti Nagar, Bhilai, District Durg Chhattisgarh

---- Petitioner

Versus

1. Praveen Kumar S/o Shri Chandrika Prasad, Aged About 45 Years R/o E.W.S. 387, Vaishali Nagar, Bhilai, District Durg (Chhattisgarh)
2. Sudesh Mishra S/o Shri Jamuna Prasad Mishra, R/o E.W.S. 707 Vaishali Nagar, Bhilai District Durg (Chhattisgarh)
3. Manoj Shukla S/o Shri Shukla R/o Near Shiv Mandir, Vaishali Nagar, Bhilai, District Durg (Chhattisgarh)

---- Respondents

For Petitioners

– Mr. Saji Kumar Thomas, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-02-2021

Heard.

1. Considered on the submissions made by the learned counsel for the petitioners. The petition has been brought by the petitioners being aggrieved by the filing of Civil Suit by the respondents praying for relief of declaration and permanent injunction. It is submitted that the

respondents have no cause of action to file such a suit against the petitioner and therefore, they are not entitled for grant of any relief. The application for grant of interim injunction has also been which is pending before the trial Court. Hence, this petition has been brought praying to quash the civil proceedings against the petitioners.

2. After taking into consideration, the submissions made, I am of this view that the petitioners have option to file application under Order 7 Rule 11 of C.P.C. before the trial Court itself. Hence, this petition is disposed off at the motion stage.
3. Petitioners have liberty to file application under Order 7 Rule 11 of C.P.C. before the trial Court within 10 days from today. It is also ordered that till then, the orders on application for grant of temporary injunction shall be kept in abeyance until the decision on application under Order 7 Rule 11 C.P.C., if filed. If such application is not filed in the time given, then the trial Court may proceed to decide the application and also may proceed on the trial.
4. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika