

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.311 of 2021

- Noor Begum D/o Mohd. Yakub Aged About 56 Years Presently Residing At E-68, Aishwarya Kingdom, Kachna Road, Tehsil And District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. Md. Asif Memon S/o Late Md. Akbar Aged About 43 Years Near Noorani Masjid, Raja Talab, Raipur Tehsil And District Raipur (Chhattisgarh)
2. State Of Chhattisgarh Through Collector, Collectorate Premise, Tehsil And District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	– Mr. Kshitij Sharma, Advocate.
For State/respondent No.2	– Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-07-2021

Heard.

1. This petition under Article 227 of Constitution of India has been brought being aggrieved by the order dated 24.06.2021, by which the application filed by the petitioner/plaintiff under Order 39 Rule 3 of C.P.C. praying for ad-interim ex-parte injunction, has been dismissed.
2. It is submitted by the learned counsel for the petitioner that Civil Suit has been filed by the petitioner praying for cancellation of sale-deed, which is at present existing in favour of respondent No.1, on the ground that the consideration has not been paid to the petitioner. At present, the application under Order 39 Rule 1 and 2 is also pending and as submitted by the learned counsel for the petitioner, the notices upon respondent No.1 has been served, but he has not given appearance in

the trial. Therefore, the petitioner who is seeking relief before this Court, that relief may be pursued by him in the application under Order 39 Rule 1 and 2 of C.P.C. before the trial Court itself. Therefore, the petition is disposed off at the motion stage. The learned trial Court is directed to take up the matter under Order 39 Rule 1 and 2 of C.P.C. expeditiously and decide the same within the time frame of 21 days from the date, this order is communicated.

3. It is further directed that the observations that have been made by the learned trial Court in the impugned order on the merits of the case shall not come in the way in deciding the application under Order 39 Rule 1 and 2 of C.P.C.
4. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika