

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MA No. 64 of 2019**

- Radheshyam Soni (Wrongly Typed Radhelal Soni) S/o Late Chakradhar Soni Aged About 62 Years R/o Village Bhoghapara, Shivrinarayan, Tahsil Navagarh, District Janjgir Champa Chhattisgarh. (Defendant No. 1),

---- Appellant

**Versus**

1. Omprakash Sultaniya S/o Late Ganpat Rai Aged About 69 Years R/o Mahant Para, Shivrinarayan, Tahsil Nawagarh, District Janjgir Champa Chhattisgarh. (Plaintiff),
2. State Of Chhattisgarh Through Collector, Janjgir, District Janjgir Champa Chhattisgarh. (Defendant No. 2)

---- Respondent

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|---------------------------|----------------------------------|
| For Appellant             | : Shri Manoj Paranjape, Advocate |
| For Respondent No.1       | : Shri A.K.Prasad, Advocate      |
| For Respondent No.2/State | : Shri B.P.Banjare, Dy.GA        |

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**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board By Virtual Hearing**

**30/06/2021**

Challenge in the present appeal is to the order dated 20.03.2019 passed by the Third Additional District Judge, Janjgir, district Janjgir-Champa whereby in the appeal, the court below has allowed the application as filed by the respondent No.1 under Order 39 Rule 1 & 2 of the Code of Civil Procedure.

Counsel for the appellant submits that purpose of filing this appeal would be served if direction is issued to the appellate court to decide the appeal expeditiously. He submits that till the decision of the

appeal, interim order be directed to continue.

Counsel appearing for the respondents have no objection to the above proposition as put forth by the counsel for the appellant.

Considering the facts and circumstances of the case, in the interest of justice, the appeal is disposed of with a direction to the appellate court below to decide the appeal (Civil Appeal No. 23A/2019) as expeditiously as possible preferably within a period of six months from the next date of hearing.

Interim order passed by the court below shall continue till the decision of the appeal.

It is made clear that this Court has not observed anything on merits of the case and the courts below would be at liberty to decide the case in accordance with law and on the basis of evidence of the parties.

Meanwhile, records be sent back to the court below.

Sd/-

(Rajani Dubey)

Judge