

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 391 of 2021

Manoj Kumar Tekwani, S/o. Late Shri Laxman Das Tekwani, aged about 49 years, R/o. House No. 1, Ward No. 09, Near Punjab National Bank, Old Bus Stand, Ratanpur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

Smt. Seema Jaiswal, W/o. Shri Ravindra Jaiswal, aged about 33 years, R/o. Behind Lakshya Computer, Gandhi Nagar, Ward No. 02, Ratanpur, District Bilaspur, Chhattisgarh, Pin 495442.

---- Respondent

For Petitioner : Mr. Aman Tamboli, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/08/2021

1. This petition has been brought being aggrieved by the order dated 02.08.2021, by which the prayer of the petitioner/defendant for maintaining status-quo regarding the suit property has been dismissed.
2. As per the submissions, there is history of this case, the respondent is vendor of the suit property and the petitioner is purchaser. Later on the respondent has filed a civil suit praying for declaration that the sale deed executed is null and void. The respondent/plaintiff could not succeed, before the trial Court and the appellate Court in her application under Order 39 Rule 1 and 2 of C.P.C. Subsequent to which, she filed a W.P.(227) No. 237 of 2021, in which, by order dated 07.04.2021, this Court has ordered that no third party interest shall be created, till the next date of hearing.
3. It is submitted by the counsel for the petitioner that in the garb of that order of this High Court, the respondent/plaintiff is making attempt to

disposes the petitioner/defendant from the suit property, therefore, he filed an application under Order 151 of C.P.C. praying for order of the Court to the parties to maintain status-quo over the suit property, which has been dismissed by the impugned order.

4. Considered on the submissions. The petitioner/defendant has option to file an application under Order 39 Rule 1 and 2 of C.P.C. praying to protect his possession over the suit property, regarding which, he is at present having title on the basis of the sale deed executed by the respondent, which is subject to challenge in the civil suit. Therefore, this petition is disposed off at motion stage. The petitioner is at liberty to file an application under Order 39 Rule 1 and 2 of C.P.C. praying for temporary injunction to protect his possession, before the trial Court and if any such application is filed, then the trial Court is directed to consider on the same and pass order on it at the earliest.
5. Accordingly, this petition is disposed off with the observation as aforesaid.

Sd/-
(Rajendra Chandra Singh Samant)
Judge