

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 24 of 2021**

1. Khemawati Bai W/o Khageshwar Aged About 48 Years Cast- Mahkul, R/o Village- Lota Tahsil- Bagicha, District- Jashpur (C.G.)
2. Nandani Bai W/o Mahesh Aged About 38 Years Cast- Mahkul, R/o Village- Lota Tahsil- Bagicha, District- Jashpur (C.G.),
3. Tobha Bai W/o Chaitan Aged About 61 Years Cast- Mahkul, R/o Village- Lota Tahsil- Bagicha, District- Jashpur (C.G.),
4. Basanti @ Droupadi W/o Leeladhar Aged About 30 Years R/o Village- Budhadand, Tahsil- Bagicha, District- Jashpur (C.G.).

---- Petitioners**Versus**

1. Naresh Chandra S/o Chaitan Ram Aged About 59 Years Cast- Mahkul, R/o Village- Lota Tahsil- Bagicha, District- Jashpur (C.G.)
2. Udai Raj Singh Tahsildar Bagicha District- Jashpur (C.G.).

---- Respondents

For Petitioners:	Shri A. N. Pandey, Advocate.
For Respondents:	None.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J**Order On Board****25.01.2021**

1. Heard on admission.
2. This Petition has been filed for initiation of the contempt proceedings for violation of the order dated 20.07.2012 passed by this Court in S.A. No.151/2012.
3. From perusal of the record, it appears that a suit for declaration of title and injunction was instituted by Plaintiff-Naresh Chandra on the basis of the family arrangement dated 30.09.1986 executed by erstwhile owner, namely, Mathura Prasad in his favour. Upon receiving the summon of the suit, the defendants appeared and while contesting the suit, have raised their counter claim on the basis of the Will dated 12.09.2001 executed by

Chetan Ram in favour of Defendant No.3-Tobha Bai and Defendant No.4-Basanti @ Draupadi. The trial Court after considering the evidence led by the parties, has dismissed the claim and that by allowing the counter claim has awarded one sixth share each to the parties.

4. The aforesaid findings of the trial Court have been affirmed further by the lower appellate Court vide judgment and decree dated 26.03.2012 and, being aggrieved with this, the plaintiff Naresh Chandra has preferred the appeal being S.A. No.151 of 2012 and vide order dated 20.07.2012, this Court, while admitting the same, has directed the parties to maintain the status-quo in the following terms:-

“Meanwhile, parties are directed to maintain the status-quo with regard to possession of the suit property.”

5. It is contended by Shri Pandey that after the issuance of the aforesaid direction, the plaintiff-Naresh Chandra based upon the impugned judgment and decree has obtained the revenue papers mutated and alienated the property in question bearing Khasra No.332/4 admeasuring 1.36 acres to Amitesh Kumar Gupta and others and as such, the above mentioned direction of this Court has been violated willfully by the Respondents. However, in absence of the allegations regarding the disturbance of the possession, it is difficult to hold that the Respondents have violated the direction issued by this Court.

6. In view of above, I do not find any substance in this petition, so as to draw the contempt proceedings as alleged by the Petitioners herein. The petition as framed is accordingly dismissed. No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE