

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 641 of 2021

Girdhar Prasad Gupta S/o Late Goda Sao presently aged about 72 Years R/o Ward No. 7, Near Bus Stand Ramanujganj, P.S. And Tahsil- Ramanujganj District- Balrampur- Ramanujganj, Civil And Revenue District Balrampur- Ramanujganj (C.G.)

---- Petitioner/ Defendant

Versus

1. Gopal Prasad Gupta S/o Late Bihari Lal Aged About 73 Years R/o Nagar Indira Gandhi Ward, Near Bus Stand Ramanujganj, P.S. And Tahsil- Ramanujganj District- Balrampur- Ramanujganj (C.G.)
2. Bharat Prasad Gupta S/o Late Bihari Lal Aged About 63 Years R/o Nagar Indira Gandhi Ward, Near Bus Stand Ramanujganj, P.S. And Tahsil- Ramanujganj District- Balrampur- Ramanujganj (C.G.)
3. Laxman Prasad Gupta S/o Late Bihari Lal Aged About 65 Years R/o Nagar Indira Gandhi Ward, Near Bus Stand Ramanujganj, P.S. And Tahsil- Ramanujganj District- Balrampur- Ramanujganj (C.G.)

---- Respondents

For Petitioner : Shri Manoj Kumar Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.11.2021

Heard.

1. This petition has been brought being aggrieved by inaction of the trial Court and praying for issuance of a direction.
2. It is submitted that the petitioner is defendant in Civil Suit No. 3-A of 2020. The application filed by the respondents/ plaintiffs under Order XXXIX Rule 1 & 2 of the CPC was decided by the order dated 12.2.2020 (Annexure-P/1), which was partially allowed, directing that the parties shall maintain status-quo over the suit property until further orders or until the decision of the civil suit. Further, there was also a direction to the parties to produce their witnesses within a period of three months from the date hearing in the case is resumed and in case, there is

reason to attribute the delay on the defendant side then the temporary injunction shall be further extended.

3. It is further submitted that after passing of that order, more than three months have passed, the hearing in the civil Courts have resumed since July, 2021 even then, the case is pending without any progress. Therefore, the petitioner filed an application on 5.2.2021 praying to recall the order dated 12.2.2020. Learned trial Court has kept the application pending without any decision so far, therefore, a direction may kindly be issued.
4. After considering on the submissions and the documents filed alongwith the petition, the petition is disposed off at motion stage. Learned trial Court/ the Court of Civil Judge, Class-I, Balrampur-Ramanujganj is directed to consider on the application filed by the petitioner at the earliest, preferably, within a period of one month from today and take a decision on the same in accordance with law. It is also directed that the civil suit pending between the parties shall also be taken up expeditiously and disposed off, at the earliest.

Sd/-
(Rajendra Chandra Singh Samant)
Judge