CGHC010023662022 2026:CGHC:46802

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 59 of 2022

1 - Rahmatullah S/o Late Mainuddin Aged About 60 Years R/o Village Nawapara Khurd, Tahsil Premnagar, District Surajpur Chhattisgarh.

2 - Mo. Saddik S/o Late Mainuddin Aged About 52 Years R/o Village Nawapara Khurd, Tahsil Premnagar, District Surajpur Chhattisgarh.

3 - Mo. Hafiz S/o Late Mainuddin Aged About 55 Years R/o Village Nawapara Khurd, Tahsil Premnagar, District Surajpur Chhattisgarh.

4 - Mo. Rashid W/o Late Mainuddin Aged About 53 Years R/o Village Nawapara Khurd, Tahsil Premnagar, District Surajpur Chhattisgarh.

5 - Kutubuddin S/o Late Mainuddin Aged About 51 Years R/o Village Nawapara Khurd, Tahsil Premnagar, District Surajpur Chhattisgarh.

... Petitioner(s)

versus

1 - Dildar S/o Late Hussain Aged About 65 Years R/o Village - Nawapara Khurd, Tahsil Premnagar, District- Surajpur Chhattisgarh.

2 - Ibrar S/o Late Hussain Aged About 60 Years R/o Village - Nawapara Khurd, Tahsil Premnagar, District- Surajpur Chhattisgarh.

SUGUNA DUBEY
Digitally signed by SUGUNA DUBEY
Date: 2026.11.05 14:30:26 +0530

3 - Ishaq S/o Late Hussain Aged About 50 Years R/o Village - Nawapara Khurd, Tahsil Premnagar, District- Surajpur Chhattisgarh.

4 - Jabbar S/o Late Hussain Aged About 45 Years R/o Village - Nawapara Khurd, Tahsil Premnagar, District- Surajpur Chhattisgarh.

5 - State Of Chhattisgarh Through - Collector Surajpur, District Surajpur Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Sarfaraj Khan, Advocate
For Respondent No.1	:	None present.
For Respondents No. 2 to 4	:	Mr. Shashikesh Yadav, Advocate on behalf of Mr. Pushkar Sinha, Advocate
For Respondent No.5/State	:	Mr. Richa Sahu, PL

(Hon’ble Shri Justice Ravindra Kumar Agrawal)

Order on Board

04/11/2026

The present writ petition under Article 227 of the Constitution of India has been preferred by the petitioners assailing the order dated 08.10.2021 passed by the learned First Additional District Judge, Surajpur, in Miscellaneous Civil Appeal No. 02/2021, whereby the appeal preferred by the petitioners came to be dismissed and the order dated 18.01.2021 passed by the learned First Civil Judge, Class-II, Surajpur, in Civil Suit No. 128-A/2019 was affirmed.

2. Learned counsel appearing for the petitioners submits that the petitioners were defendants No. 1 to 5 before the learned trial Court, where the plaintiffs have instituted a suit seeking declaration of title,

partition and permanent injunction over the suit property. During the pendency of the said suit, the plaintiffs moved an application under Section 151 of the Code of Civil Procedure seeking stay of the partition proceedings pending before the Tahsildar, Prem Nagar, which proceedings had been initiated at the instance of the defendants/petitioners.

3. The learned trial Court, after hearing the parties, allowed the said application and stayed the partition proceedings pending before the Tahsildar, Prem Nagar, primarily on the ground that a civil suit concerning the title and partition of the property between the parties was already pending before the Court. It is further submitted that the appeal preferred by the petitioners against the said order has also been dismissed by the learned appellate Court, giving rise to the present writ petition.

4. He further submits that the interim order in favour of the plaintiffs has remained operative since 18.01.2021, while the partition proceedings before the Tahsildar, Prem Nagar, itself has been pending since the year 2019 and has not yet attained finality. In these circumstances, without entering into the merits of the controversy, it is therefore prayed that the learned trial Court may be directed to decide the pending civil suit within a stipulated period in accordance with law and, till such decision, the parties may be directed to maintain status quo with regard to the suit property.

5. Learned counsel appearing for respondents No. 2 to 4 has no objection if an appropriate direction is issued to the learned trial Court for expeditious disposal of the civil suit in accordance with law.

6. I have heard learned counsel for the parties and perused the material available on record, including the documents annexed with the petition.

7. The learned trial Court, while exercising jurisdiction under Section 151 of the Code of Civil Procedure, stayed the partition proceedings pending before the Tahsildar, Prem Nagar, on the ground that a civil suit relating to the title and partition of the property between the parties was already pending before the competent civil Court. The appeal preferred against the said order has also been dismissed. Consequently, the order staying the partition proceedings has remained operative since the year 2021.

8. It is also not in dispute that the civil suit, filed in the year 2019, is still pending and has not yet reached its logical conclusion. Having regard to the nature of the controversy and the fact that the partition proceedings have already been stayed during the pendency of the civil suit, this Court is of the considered view that no useful purpose would be served by entering into the merits of the controversy in the present proceedings. The ends of justice would be adequately met if the learned trial Court is directed to make every endeavour to conclude the trial expeditiously and decide the suit within a stipulated period, strictly in accordance with law.

9. Accordingly, the present writ petition is disposed of with a direction to the learned trial Court to endeavour to decide Civil Suit No. 128-A/2019 expeditiously, preferably, within a period of eight months from the date of the next appearance of the parties before it, after affording proper opportuity of hearing to the parties in accordance with law on its own merits.

10. Till the final adjudication of the civil suit, the parties shall maintain status quo with regard to the suit property.

11. With the aforesaid directions, the present writ petition stands disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge