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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 249 of 2026

1 - Bhim Singh, S/o Late Rajkumar, Aged About 46 Years, R/o Village- Bhanaura, Police Station and Tehsil- Balrampur District- Balrampur-Ramanujganj (C.G.)

2 – Awadhesh, S/o Late Rajkumar, Aged About 28 Years, R/o Village- Bhanaura, Police Station and Tehsil- Balrampur District- Balrampur Ramanujganj (C.G.)

3 - Smt. Raipati, Widow of Late Rajkumar, Aged About 71 Years, R/o Village- Bhanaura, Police Station and Tehsil- Balrampur District- Balrampur Ramanujganj (C.G.)

(Defendant No. 1 to 3 in the Suit)

... Petitioners

versus

1 - Smt. Patarkaliya, D/o Late Rajkumar, Aged About 33 Years, R/o Village- Sendur, Police Station- Ramanujganj, Tehsil- Balrampur District- Balrampur Ramanujganj (C.G.) (Plaintiff)

2 - Smt. Gangi, D/o Late Rajkumar, W/o Amar Sai, Aged About 51 Years, R/o Village- Korandha, Police Station - Shankargarh Tehsil- Shankargarh District- Balrampur Ramanujganj (C.G.) (Defendant No 4)

3 - Smt. Jamuni @ Jaymuni, D/o Late Rajkumar, W/o Rovan Lal, Aged About 51 Years, R/o Village- Amdamda, Police Station- Balrampur, Tehsil- Balrampur, District- Balrampur Ramanujganj (C.G.) (Defendant No.5)

4 - Smt. Pushpa @ Pushpawati, D/o Late Rajkumar, W/o Kartik Singh, Aged About 31 Years, R/o Village- Maharajganj, Police Station Balrampur, Tehsil- Balrampur, District- Balrampur Ramanujganj (C.G.) (Defendant No 6)

5 - Kailash Dwivedi, S/o Koduram Dwivedi, Aged About 46 Years, R/o Village-

Bhanaura, Police Station and Tehsil- Balrampur District- Balrampur -Ramanujganj (C.G.) (Defendant No 8)

6 - State of Chhattisgarh Through- The Collector Balrampur, District- Balrampur-Ramanujganj (C.G.) (Defendant No.7)

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Aman Upadhyay, Advocate.
For Respondents No.1 and 4	:	Mr. Sanjeev Verma, Advocate.
For State	:	Mr. Malay Jain, Panel Lawyer.
For Respondents No.2, 3 and 5	:	None, though served.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

27-10-2026

1. Heard.

2. The present is writ petition filed by the petitioners under Article 227 of the Constitution of India against the impugned order dated 23-01-2026 passed by the learned Principal District Judge, Balrampur Place Ramanujganj in Misc. Civil Appeal No.15/2025 whereby the miscellaneous civil appeal was partly allowed and the order with respect to maintaining status quo over the subject property was passed.

3. Learned counsel appearing for the petitioners would submit that the petitioners are the defendants No.1 to 3 before the learned trial Court where respondent No.1 is prosecuting a civil suit for declaration of title, permanent injunction, partition and separate possession of her share over the suit property shown in Schedule A annexed with the plaint. The petitioners are one of the co-sharer over the suit property along with the plaintiff and since they were in need of their residential accommodation, they started construction over one small part of the property for their own use. In the suit the plaintiff filed an application under Order 39 Rule 1 and 2 of the CPC which was rejected by the learned trial Court. However, the appeal filed by the plaintiff before the learned appellate Court has been partly allowed and

the parties have been directed to maintain status quo with respect to the suit property till the pendency of the suit. By the effect of that order passed by the learned appellate Court the petitioners are restrained from completing their undergoing construction by which they are facing hardship and the quality of construction is deteriorating day by day. The petitioners are raising construction only in small portion of subject property for their residential purposes. He would fairly submit that the petitioners are not intended to alienate the suit property till the pendency of the suit and only wants to complete their undergoing construction so that they may not remain shelterless.

4. On the other hand, learned counsel appearing for respondents No.1 and 4 opposes the submissions made by learned counsel for the petitioners and has submitted that without there being any partition by metes and bounds raising any construction over any part of the subject property would amount to forceful partition which cannot be permitted to the petitioners. He would further submit that the trial is in progress and fixed for recording plaintiff's evidence and the learned appellate Court has rightly observed that the parties shall maintain status quo till the pendency of the suit which does not suffer from any infirmity or perversity and the writ petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the documents annexed with the petition and gone through the order passed by the learned trial Court as well as learned appellate Court.

6. From perusal of the impugned order and the documents it clearly reveals that the plaintiff is claiming declaration of title, partition and separate possession over the suit property by pleading that the suit property is the ancestral property and she is also having one seventh share over the same. Since it was the ancestral property claimed by the plaintiff, without there being any partition by metes and bounds, it cannot be said that the plaintiff or

defendants are entitled for any specific part of the property over which the parties are claiming their right and defendants are raising their construction. The learned trial Court has rightly considered that without there being any partition, the shares of the parties cannot be decided and they cannot be permitted to raise their construction over that part of the property which would create more complication in the ultimate decision of the suit. Considering the interest of the parties and to keep the property secured the learned appellate Court has exercised its discretion by directing that the parties shall maintain status quo with respect to the suit property till the pendency of the suit, in which this Court does not find any infirmity or jurisdictional error.

7. However, considering the nature of dispute between the parties and the inconvenience suffering by the defendants, the present writ petition may be disposed of with a direction to the learned trial Court to expedite the proceeding of the civil suit and decide the same within a stipulated time frame.

8. Accordingly, the present writ petition is disposed of directing the learned trial Court to expedite the proceeding of the Civil Suit No.06A/2024 and decide the same as early as possible preferably within 6 months from the next date fixed before it in accordance with law on its own merits after providing proper opportunity of hearing to the parties.

9. With the aforesaid observation the present writ petition is disposed of.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Aadil