CGHC010086572023 2026:CGHC:46596

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 250 of 2023

1 - Surendra Mani Tripathi S/o Rajmani Tripathi Aged About 54 Years Caste- Bramhin, R/o Village Navapara, Tenganmada, Tehsil Belgahna, P.S. Belgahna, District : Bilaspur, Chhattisgarh

--- **Petitioner(s)**

versus

1 - Sunil Kumar Sahu S/o Hazarilal Sahu Aged About 41 Years Caste- Sahu, R/o Gaurela, Amarkantak Road, Tehsil Pendra Road, District : Gaurela-Pendra-Marwahi, Chhattisgarh

2 - Rupendramani Tripathi S/o Surendramani Tripathi Aged About 29 Years Caste- Bramhin, R/o Village Navapara, Tenganmada, Tehsil Belgahna, P.S. Belgahna, District : Bilaspur, Chhattisgarh

3 - Pushpendramani Tripathi S/o Nagendramani Tripathi Aged About 30 Years Caste- Bramhin, R/o Purana Gaurela, Tehsil Pendra Road, District : Gaurela-Pendra-Marwahi, Chhattisgarh

4 - Nagendramani Tripathi S/o Rajmani Tripathi Aged About 58 Years Caste- Bramhin, R/o Purana Gaurela, Tehsil Pendra Road, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---**Respondent(s)**

For Petitioner(s)	:	Mr. Rohit Sharma, Advocate
For Respondent No. 1	:	Mr. Vijay Shankar Mishra, Advocate
For Respondent No.2 & 3	:	None present though served.

(Hon'ble Shri Justice Ravindra Kumar Agrawal)

Order on Board

03/11/2026

The present writ petition under Article 227 of the Constitution of India has been preferred by the petitioner assailing the order dated 23.01.2023 passed by the learned Additional District Judge, Pendra Road, in Misc. Civil Appeal No.13/2021, whereby the miscellaneous appeal preferred by the petitioners was dismissed and the order dated 10.12.2021 passed by the learned Civil Judge, Class-II, Pendra Road, in Civil Suit No.17-A/2021 was affirmed.

2. Learned counsel appearing for the petitioner submits that the petitioner herein is the defendant before the learned trial Court, whereas respondent No.1 is the plaintiff. Initially, respondent No.1 instituted a suit seeking a decree of permanent injunction in respect of the suit property, comprising Abadi land admeasuring 1,055 sq. ft., along with a house constructed thereon measuring 475 sq. ft., situated at Ward No.9, Lal Bahadur Shastri Ward, Village Gaurella, Tahsil Pendra Road, District Gaurela-Pendra-Marwahi. It is submitted that upon the defendants raising an objection, the plaintiff subsequently amended the plaint by incorporating a prayer for specific performance of the agreement dated 09.04.2009. The plaintiff has pleaded that, pursuant to the aforesaid agreement, he paid a substantial amount of

Rs.1,65,000/- out of the total sale consideration of Rs.1,85,000/- to the seller and that possession of the suit property was also delivered to him, which he continues to hold.

3. It is further pleaded in the plaint that the defendants are interfering with his peaceful possession of the suit property and are attempting to dispossess him. On this premise, the plaintiff also preferred an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, seeking temporary injunction restraining the defendants from interfering with his possession over the suit property. He further submits that the appeal preferred by the defendants before the learned appellate Court against the order passed by the learned trial Court has also been dismissed, and the said order has been assailed in the present writ petition. It is also pointed out that, during the pendency of the writ petition, coordinate Bench of this Court, vide order dated 20.03.2023, directed the parties not to raise any construction over the suit property or create any third-party interest therein till the next date of hearing. The said interim order continues to operate.

4. In view of the subsisting interim arrangement, learned counsel for the petitioner submits that the writ petition may be disposed of by directing the learned trial Court to decide the civil suit expeditiously within a stipulated period, with a further direction to the parties to maintain status quo in terms of the order dated 20.03.2023 passed by this Court, until final adjudication of the suit.

5. Learned counsel appearing for respondent No.1 has no objection if such a direction would be passed for expeditious disposal of the civil suit, subject to maintenance of status quo by the parties.

6. I have heard learned counsel for the parties and perused the material available on record.

7. A perusal of the documents annexed with the writ petition reveals that the civil suit was instituted on 15.06.2021, initially seeking a decree of permanent injunction. Subsequently, the plaint was amended to incorporate a claim for specific performance of the contract. The plaintiff asserts that pursuant to the agreement dated 09.04.2009, he has paid a substantial part of the sale consideration and that possession of the suit property was delivered to him. He further alleges that the defendants are interfering with his possession and attempting to dispossess him from the suit property. The learned trial court has allowed the application and restrained the defendants from interfereing with the possession of the plaintiff over the suit property.

8. Since the plaintiff is alleged to be attempting to raise construction over the suit property, the defendants have preferred the present writ petition in which the coordinate Bench of this Court, vide order dated 20.03.2023, directed that no further construction shall be raised over the suit property and no third-party interest shall be created therein. The aforesaid interim order continues to remain in operation. The civil suit, filed in the year 2021, is still pending adjudication before the learned trial Court therefore without entering into the merits of the rival

claims of the parties, this Court is of the considered view that the present petition is disposed of with a direction to the learned trial Court to expedite the proceedings and decide the suit within a stipulated period. In the meanwhile, the parties are required to maintain status quo in respect of the suit property in terms of the order dated 20.03.2023 passed by the coordinate Bench of this Court.

9. Accordingly, the present writ petition is disposed of by affiriming the interim order passed by the coordinate Bench of this Court on 20.03.2023, whereby the parties have been restrained from raising any further construction over the suit property or creating any third-party interest therein. The said directions shall remain operative till final adjudication of the civil suit.

10. The learned trial Court is further directed to make every endeavour to decide the pending civil suit, preferably within a period of six months from the next date fixed before it, after affording due and adequate opportunity of hearing to all the parties concerned.

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

Sd/-
(Ravindra Kumar Agrawal)
Judge

SUGUNA DUBEY
Digitally signed by SUGUNA DUBEY
Date: 2026.11.04 16:31:42 +0530