CGHC010222372026 2026:CGHC:45401

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MA No. 84 of 2026

1 - Shri Dileep Gowerdhan S/o Late Shri Madhukar Rao Gowerdhan Aged About 63 Years R/o Near Vitthal Mandir, Gowerdhan Bada, Tilak Nagar, Bilaspur, Tehsil And District Bilaspur Chhattisgarh

... Appellant(s)

versus

1 - Shreekant Gowerdhan S/o Late Shri Madhukar Rao Gowerdhan Aged About 70 Years Present Address - Plot No. 22, Behind Abhyankar Petrol Pump, Shree Krishna Apartments, Nagpur, Maharashtra

2 - State Of Chhattisgarh Through Collector, District Bilaspur Chhattisgarh

... Respondent(s)

For Appellant(s)	:	Shri R.S.Baghel, Advocate
For Respondent No.1	:	Shri Anurag Singh, Advocate
For State	:	Shri Jai Prakash Tiwari, Panel Lawyer

({Hon’ble Shri Justice Sachin Singh Rajput})

Judgment on Board

27/10/2026

This appeal is directed against order dated 14/05/2026 passed by the 4th District Judge, Bilaspur (CG) in Civil Appeal No.14A/2024 by which the application of the appellant under Order 39 Rule 1 and 2 read with Section 151 CPC was dismissed.

2. Learned counsel for the appellant submits that respondent No.1, who is the

plaintiff had filed a suit for declaration of title and recovery of possession in respect of the suit property which was decreed by the learned 4th Civil Judge, Class-II Bilaspur, CG in civil suit No.95A/2019 dated 29/01/2024 and the counter claim filed by the appellant/defendant No.1 was dismissed against which the appellant had preferred first appeal under Section 96 of the CPC before the 4th District Judge, Bilaspur, C.G. which is still pending consideration. Along with the memo of appeal, an application under Section 39 Rule 1 and 2 read with Section 151 of CPC was filed seeking temporary injunction during pendency of the appeal which was rejected by the impugned order. He submits that this Court while issuing notice to the respondent on 11/06/2026 granted interim order and directed the parties to maintain *status quo* with regard to the nature, possession and condition of the suit property till the next date of hearing. He submits that the first appeal filed by the appellant is still pending consideration before the 1st appellate Court and this Court may dispose off this appeal directing the learned 1st appellate Court to dispose off the case within a reasonable period of time while extending the interim order.

3. Learned counsel for respondent No.1 submits that respondent/plaintiff has not been able to enjoy the fruits of the decree and earlier application under Order 39 Rule 1 and 2 of CPC filed by the appellant was dismissed, however, in the appeal before this Court, liberty was reserved in favour of the appellant/defendant to file a fresh application which was rejected vide impugned order by the learned 1st appellate Court. He submits that in the suit premises, the tenants are also residing and the appellant/plaintiff is creating hindrance in supply of water, electricity etc. Thus, the learned trial Court may be directed to decide the appeal expeditiously, however, interim order may not be extended.

4. Be that as it may, taking into consideration the submissions made herein above, this Court is of the opinion that as the first appeal itself is pending consideration before the learned 1st appellate Court and this Court has passed interim order which is still continuing, ends of justice would be served if the learned 1st appellate Court may be directed to decide the first appeal itself within a reasonable period of time. In view of above, it is directed that the learned 1st appellate Court shall make all endeavor to decide the first appeal filed by the appellant / defendant expeditiously preferably within a period of 4 months before the next date of hearing before it subject to cooperation of the parties and without granting unnecessary adjournments.

Interim order dated 11/06/2026 will remain in operation till then.

5. With the aforesaid observation and directions, this appeal is disposed off. All pending applications are also disposed off.

Sd/-

(Sachin Singh Rajput)
JUDGE

Deepti

DEEPTI HARIKUMAR
Digitally signed by DEEPTI HARIKUMAR
Date: 2026.10.30 12:59:42 +0530