CGHC010425992026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1382 of 2026

Rajeshwar Tiwari S/o Late Himagar Tiwari, Aged About 56 Years R/o Bhagat Singh Azad Nagar, Kundrapara Tifra, Police Station Sirgitti, Tahsil And District Bilaspur C.G. Mo. No. 7415654928

... Petitioner(s)

versus

1 - Smt. Anita Tiwari W/o Late Laxman Tiwari, Aged About 52 Years R/o Ward No. 06, Mahatma Gandhi Ward, Shivrinarayan, Tahsil - Nawagarh, District Janjgir - Champa C.G.

2 - Smt. Gouri Tiwari, D/o Late Himagar Tiwari, Aged About 65 Years R/o Ward No. 06, Mahatma Gandhi Ward, Shivrinarayan, Tahsil Nawagarh, District Janjgir - Champa C.G.

3 - State Of Chhattisgarh Through Collector Janjgir Champa C.G.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	**:**	Mr. Sourabh Agrawal, Advocate.
For Respondent(s)	**:**	Mr. Manish Kashyap, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.
Order on Board

02/11/2026

1. Heard.

2. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner seeking a direction to the learned trial Court to

dispose of the application filed by the plaintiff under Order 39 Rules 1 and 2 of the CPC within a reasonable time frame.

3. Learned counsel for the petitioner would submit that the petitioner is the plaintiff before the learned trial Court, where he is prosecuting a suit for declaration of title, declaring the Will Deed dated 01.06.2020 as null and void, and for permanent injunction. The suit was filed on 10.02.2023. Along with the suit, an application under Order 39 Rules 1 and 2 of the CPC was also filed. The learned trial Court heard the parties on the application under Order 39 Rules 1 and 2 on 09.04.2025; however, till date, no order has been passed on the said application, which is reflected from the order-sheets, and the matter has been adjourned from time to time. Therefore, the learned trial Court may be directed to decide the application filed by the plaintiff under Order 39 Rules 1 and 2 within a stipulated time frame.

4. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.

5. In view of the limited prayer made by learned counsel for the petitioner, when this Court perused the order-sheets of the learned trial Court (Annexure P/3), it transpires that the suit was filed on 10.02.2023 by the plaintiff along with an application under Order 39 Rules 1 and 2 of the CPC. On 09.04.2025, the parties were heard on the application filed by the plaintiff under Order 39 Rules 1 and 2, and the case was fixed for passing of orders on 21.04.2025. Thereafter, the case was adjourned on 21.04.2025, 10.06.2025, 01.07.2025, 21.07.2025, 18.08.2025, 09.09.2025, 26.09.2025, 27.10.2025, 28.11.2025, 05.01.2026, 30.01.2026, 24.02.2026, 13.03.2026, 24.04.2026, 19.06.2026, 29.06.2026, 07.07.2026, 25.07.2026 and 22.08.2026. It is

strange that even after hearing the parties on the application under Order 39 Rules 1 and 2 on 09.04.2025, and despite the passage of more than one and a half years, no order on the said application has been passed by the learned trial Court. The provisions of Order 39 Rules 1 and 2 of the CPC are meant for emergent situations, whereas, in the present case, even after hearing the parties, no order has been passed for more than one and a half years.

6. Without going into the merits of the case, this Court is of the considered opinion that the learned trial Court deserves to be directed to decide the application filed by the plaintiff under Order 39 Rules 1 and 2 of the CPC within a stipulated time frame.

7. Accordingly, the present writ petition is disposed of by directing the learned trial Court to decide the application filed by the plaintiff under Order 39 Rules 1 and 2 of the CPC on the next date fixed before it or within further period of 10 days from the next date fixed before the learned trial Court, on its own merits and in accordance with law.

8. A copy of this order shall be forwarded to the learned Principal District Judge, Janjgir-Champa, for information and necessary action.

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

Sd/-

(Ravindra Kumar Agrawal)
Judge

Alok