



2026:CGHC:3108

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 65 of 2026

1 - Brijesh Sharma S/o Shri Om Prakash Sharma Aged About 44 Years R/o Ward No. 36 New Khursipar Market, Khursipar, Bhilai, District Durg Chhattisgarh

... Petitioner(s)

versus

1 - D.M.C.C. Welfare Trust Through Dharamji Moraji Chemical Company Ltd. Through Power Of Attorney Holder A. Baburaw Shastri Venkat Adiraju S/o Shastri Venkat Adiraju, Aged 70 Years, Office Prospect Chamber 317-21 Dr. Dadabhai Nauroji Road Fort, Mumbai M.H.

2 - Deepak Kumar Jha S/o Late Sunil Kumar Jha Aged About 47 Years R/o Toorihatri, Purani Basti, Laxmi Narayan Ward, Raipur Chhattisgarh Office Address Assistant Grade II, Clerk, District Education Office, Pensionbada, Raipur, Distt. Raipur Chhattisgarh

3 - State Of Chhattisgarh Through Collector, Durg, District Durg Chhattisgarh

... Respondent(s)

For Petitioner(s)	: Shri T.K.Tiwari, Advocate
For Respondent(s)	: Shri Abhishek Singh, Panel Lawyer

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

Order on Board

19/01/2026

This writ petition has been filed by the petitioner challenging the order



dated 28/10/2025 passed by the Civil Judge, Senior Division, Bhilai-3 at Durg, (CG) in CSA/5/2024 by which an application under Order 39 Rule 1 and 2 seeking temporary injunction by the plaintiff was allowed.

2. Learned counsel for the petitioner submits that the plaintiff namely DMCC Wellfare Trust had filed a civil suit for declaration of title in respect of the suit property comprised in piece of Khasra No.23/2 area 1539 hectare equivalent to 3.80 acre situated at village-Kukda, P.H.No.3 against one Deepak Kumar Jha and State of Chhattisgarh. It has been further pleaded that injunction in favour of the plaintiff may be granted by the defendant in interfering the peaceful possession of the plaintiff. Along with the suit, an application Order 39 Rule 1 and 2 was also filed by the plaintiff which by the impugned order was granted by the learned Civil Judge. He further submits that the suit property was purchased by the petitioner from defendant No.1 i.e. Deepak Kumar Jha vide registered sale deed dated 24/03/2024. The petitioner was not arrayed as defendant, despite of that, the order of injunction was granted. Though the suit appears to have been filed on 05/03/2024, but as the petitioner purchased the property later on, his right would have been affected and therefore, he ought to have been heard before passing the impugned order. Thus, the impugned order deserves to be set aside.

3. Learned State counsel submits that the dispute is between the private parties.

4. Heard learned counsel for the parties and perused the record.

5. It appears that a civil suit was filed by the plaintiff against defendant No.1. It appears to have been filed in the 1st week of March, 2024. The sale deed appears to be executed subsequent to it. The operative portion of the impugned order is reproduced herein below -

“8. In light of points Nos.1 to 3, the plaintiff’s application for grant of temporary injunction is admitted with respect to the suit property. It is hereby directed that :

- “A temporary injunction for a period of three months from the date of this order is hereby issued against defendants 1 and 3, barring them from interfering with the plaintiff’s possession of*



the property situated at village Kukda, Patwari Halka number 3, revenue circle, Bhilai, -3, Tehsil Patan, district Durg, bearing khasra number 23/2, having a surface area of 1539 ha.

- *This order shall have no effect on the final judgment in the present case, which shall be decided on the merits.”*

6. When the suit was filed the petitioner had not purchased the property. Even if the petitioner was aggrieved by the impugned order, he could have availed the remedy under Order 43 Rule 1 (r) of CPC. Apart from this, the petitioner is also having a locus to array himself in the civil suit and to recall the order dated 28/10/2025. Even otherwise, the temporary injunction was only granted for a period of 3 months as per the impugned order which appears to be expiring on 28/01/2026. Thus, reserving liberty in favour of the petitioner to avail remedy against the impugned order, his writ petition is disposed off.

Sd/-

(Sachin Singh Rajput)

JUDGE