

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 179 of 2017

Vijay Lal Soni **Versus** Sheshnarayan Tamrakar

16/05/2018	Mr. Parag Kotecha, counsel for the appellant/s. Mr. P.P. Sahu, counsel for respondent No.1. Mr. V.G. Tamaskar, counsel for respondent No.2. Ms. Upasana Mehta, counsel for respondents No.3 (a) to 3(e). Heard on I.A. No.1, application for bringing the legal representative on record of deceased respondent No.3 Smt. Kevra Bai. In view of the provision contained in Order 22 Rule 6 and that the appeal has been filed not only against surviving defendants but also the legal representative of deceased defendant Smt. Kevra Bai, there is no necessity of passing any further orders towards substitution of legal representative. The application (I.A. No.1) is therefore disposed off. Also heard on I.A. No.3, application for grant of temporary injunction by respondent No.1. Learned counsel for respondent No.1 would submit that the appellant is raising construction of wall and obstructing the access to the house of respondent No.1. Learned counsel for the appellant would submit that the appellant has not created any obstruction, the property in dispute is in possession of the appellant and the impugned judgment and decree of possession has been stayed. Learned counsel for respondent No.2 submits that respondent No.1 has purchased the property by registered sale deed. Considering the submission of learned counsel for the parties and further taking into consideration that respondent No.1 is only seeking access to his property, it would be proper to direct that respondent No.1 would be entitled to have unobstructed access to his house. The matter be listed after vacation. The interim to continue till the next date of hearing. Sd/- (Manindra Mohan Shrivastava) Judge