



2026:CGHC:14764

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MA No. 36 of 2023

Kamta Prasad Nayak S/o Kalap Ram Nayak Aged About 70 Years
Occupation Agriculturist, R/o Village Raksapali, Tahsil Kharsia,
District : Raigarh, Chhattisgarh

... Appellant(s)

versus

1. Smt. Rekha Devi Agrawal W/o Manoj Kumar Agrawal Aged About
45 Years Chaitanya Nagar Jagatpur Raigarh, District : Raigarh,
Chhattisgarh

2. Naimish Kumar S/o Shyam Kumar Nayak Aged About 35 Years
Occupation Agriculturist, R/o Village Raksapali, Tahsil Kharsia,
District : Raigarh, Chhattisgarh

3. State Of Chhattisgarh Through- District Magistrate, Raigarh,
District : Raigarh, Chhattisgarh

... Respondent(s)

For Appellant	: Mr. Sourabh Sharma, Advocate
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For Respondent No. 1	: Mr. Swayam Tehanguria, Advocate
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For Respondent/ State	: Mr. Malay Jain, P.L.
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Hon'ble Shri Bibhu Datta Guru, J

Judgment on Board

30.03.2026

1. By the present appeal under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908 (for brevity 'the CPC'), the appellant/defendant is challenging the impugned order dated 14.12.2022 passed by the learned District Judge in Civil Suit No. A/11/2021 (Smt. Rekha Agrawal Vs. Naimish Kumar and Ors.) wherein the application filed by the plaintiff under Order 39 Rule 1 & 2 of the CPC has been partly allowed.
2. Learned counsel for the appellant submits that after the application under Order 39 Rule 1 and 2 read with Section 151 of the CPC filed by the plaintiff was partly allowed, the further proceedings before the Trial Court could not continue as the record of the Trial Court had been summoned by this Court on 23.03.2023.
3. Learned counsel for the respondents submits that the appeal may be disposed of with a direction to the Trial Court to conclude the trial in Civil Suit No. A/11/2021 and that the records be sent back to the concerned Civil Court.
4. In view of the submissions made by learned counsel for the parties and considering the fact that the record of the Trial

Court was summoned by this Court on 23.03.2023 due to which the proceedings before the Trial Court could not continue, this Court deems it appropriate to dispose off the present appeal with a direction to the learned Trial Court to proceed with Civil Suit No. A/11/2021 and conclude the trial expeditiously in accordance with law and on its own merits.

5. Accordingly, the present appeal is **disposed off**.
6. Registry is directed to send back the record to the concerned trial Court forthwith so as to enable it to proceed with the matter.

SD/-
(Bibhu Datta Guru)
Judge

Jyoti