

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

F.A. No. 141 of 2019

1. Vijay Kumar S/o Late Ganesh Prasad Gupta Aged About 45 Years Occupation- Agriculture And Businessman, R/o Village- Malhar, Tahsil- Masturi, District- Bilaspur, Chhattisgarh.....Judgement Debtor No.1,
2. Vikas Kumar S/o Shri Vijay Kumar Gupta Aged About 18 Years R/o Village- Malhar, Tahsil- Masturi, District- Bilaspur, Chhattisgarh.....Judgement Debtor No.2

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Versus

1. Ajay Kumar S/o Late Ganesh Prasad Gupta Aged About 33 Years Occupation- Agriculture And Businessman, R/o Village- Malhar, Tahsil- Masturi, District- Bilaspur, Chhattisgarh.....Decree Holder.
2. Smt. Pramila W/o Shri C.B. Gupta Aged About 43 Years R/o Krishna Nagar, High School Road, Belgahna, Tahsil- Kota, District- Bilaspur, Chhattisgarh.....Judgementdebtor No.3,
3. Smt. Shail W/o Shri Vinod Agrahari Aged About 40 Years R/o Qtr No. 01, Gopalbag, Gopal Sadan, Near Damoh Naka, Jabalpur, Tahsil- Jabalpur, District- Bilaspur, Chhattisgarh.....Judgement Debtor No.4,
4. Smt. Usha Gupta W/o Shri Mukesh Gupta Aged About 38 Years R/o Firangipara, Kargi Road, Kota, Tahsil- Kota, Disatrick- Bilaspur, Chhattisgarh..... Judgement Debtor No.5,
5. Smt. Sangita W/o Shri Laxmi Narayan Gupta Aged About 35 Years R/o Ramgudipara, Ganja Chowk, Raigarh, Tahsil And District- Raigarh, Chhattisgarh.....Judgement Debtor No. 6.
6. The State Of Chhattisgarh Through The District Collector, Bilaspur, Chhattisgarh.

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27.03.2019	Shri Kundan Singh Thakur, counsel for the Appellants. Shri Prafull N. Bharat counsel for Respondent No. 1 on caveat. Shri Vimlesh Bajpai, G.A. for the State/Respondent No. 6. Heard on admission. Admit.

Issue notice to Respondents No. 2 to 5 only on payment of P.F., as per rules.

Also heard on I.A. No.01/2019, an application for grant of stay.

Learned counsel for the Appellants submits that while passing the final decree, the Court below has not taken into consideration the agricultural lands as provided in plaint Schedule A and, therefore, the decree as framed deserves to be stayed, pending decision of this appeal.

Issue notice on this application also to the said Respondents, as above.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the impugned order/final decree dated 10.01.2019 passed by the First Additional District Judge, Bilaspur in Civil M.J.C. No.236/2017 shall remain stayed till the next date of hearing.

Call for record of the Court below and post this matter for consideration on I.A. No.01/2019 in the week commencing 06.05.2019.

Sd/-

(Sanjay Agrawal)
Judge