

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

W.P(227) No.267 of 2023

Anand Kumar Pawar **Versus** Santosh Mishra

22.03.2023	Shri Ravindra Sharma, counsel for the Petitioner. Heard on admission. Admit. Also heard on IA No.01/2023, an application for grant of interim relief/stay. Issue notice to the Respondent on merits as also on IA No.01/2023 on payment of PF within a week, returnable within 6 weeks. Shri Sharma, learned Counsel for the Petitioner/Defendant submits that the Respondent/Plaintiff had filed a suit for specific performance of agreement to sale though no such agreement has been executed and the Respondent/Plaintiff was the family Counsel of the Petitioner/Defendant and there were cordial relations between them and a loan of Rs.50,000/- was taken at an interest of 10%, therefore, the said transaction is purely a loan transaction. He further submits that the trial Court has decreed the suit in favour of the Respondent/Plaintiff against which, F.A No.184/2008 was preferred before this Court, which was allowed vide judgment dated 07.04.2022 and remitted back to the trial Court providing sufficient opportunity to the Petitioner/Defendant to lead evidence as also to file all the documents to substantiate his claim before the said Court. He lastly submits that to demonstrate the fact that there was a relation between the parties, all the recordings of the said transaction have been duly obtained by the concerned service provider but the same was refused by the trial Court. Considering the submissions made, purely as an interim measure, it is ordered that further proceedings pending before the 1st Additional District Judge, Saraipali, District Mahasamund in Civil Suit No.1-A/2022 shall remain stayed till the next date of hearing. Post the matter after service is complete. Sd/- (Deepak Kumar Tiwari) JUDGE

Priya