

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 584 of 2017

Omprakash S/o Raj Kumar Satnami Aged About 36 Years R/o Daupara,
Tahsil & District Mungeli Chhattisgarh.....(Defendent)

---- Appellant

Versus

1. Hemant Kumar Banjara S/o Late Bhuwneswar Satnami, Aged About 50 Years Caste - Satnami R/o Gram Majgaonpara, Mungeli, Tahsil & District Mungeli Chhattisgarh.....(Plaintiff)
2. State Of Chhattisgarh, Through Collector Mungeli Chhattisgarh.....
(Defendent).

-----Respondents

24.11.2017	<p>Shri Shree Kumar Agrawal Sr. Advocate and Shri Anand Kumar Gupta, Advocates for the appellant.</p> <p>Shri O.P.Sahu, GA for the State.</p> <p>Shri Akhikesh Kumar, Advocate for respondent No. 1.</p> <p>Heard on I.A No. 01/2017, an application under Order 41 Rule 5 of Civil Procedure Code, for grant of interim relief.</p> <p>The suit was brought by respondent before the trial Court for declaration and injunction which was dismissed by the trial Court, thereafter, the appeal presented before the First Appellate Court, District- Mungeli, which was decided in favour of the respondent granting relief of eviction from the suit property and</p>

other reliefs.

The question raised in this appeal is that the ground of bringing the suit was based on agreement to sale, and no suit for declaration and injunction would have been maintainable. On the other hand the Rent Controlling Authority had passed order in favour of the appellant, which was confirmed by Chhattisgarh Rent Control Tribunal, Raipur. The First Appellate Court has set aside the order passed by the Tribunal without having any authority because of which this appeal has been preferred.

An order is passed that the effect an operation of the order by the First Appellate Court shall be remained stayed till the next date of hearing, subject to confirmation after the calling of record.

Record of the Courts below be called for.

List this case after receipt of the records.

Registry is directed to display the name of Shri Akhilesh Kumar, Advocate for respondent No. 1. in the cause list on the next date of hearing.

Sd /-

(Rajendra Chandra Singh Samant)
Judge