

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 337 of 2019

Vishwanath Kesharwani ***Versus*** Parmeshwar & Ors.

05.02.2024	Shri Aman Upadhyay, counsel for the appellants. Shri Sameer Oraon, counsel for respondent No.1. Shri Prakash Tiwari, counsel for respondents 2 & 3. Shri Lav Sharma, Panel Lawyer for the State/respondent No.4. Earlier vide Order dated 16.12.2021, following substantial question of law was framed:- “Whether the learned First Appellate court was justified in reversing the well reasoned finding recorded by the learned trial Court with regard to issue No.1 i.e., the suit land purchased from the income of the joint property is contrary to the record?” Considering the submission of learned counsel for the appellant, following substantial question of law is also framed:- “Whether the civil suit filed by the plaintiff was not maintainable under the proviso to Section 34 of the Specific Relief Act, 1963 as possession of suit property has not been sought by the plaintiff?” Since all the respondents are represented through their counsel, no notice is required to be issued on the above mentioned newly

framed substantial question of law.

Learned counsel for the respondents would submit that since one more substantial question of law has been framed today, some time may be granted to address the same.

As prayed by learned counsel for the respondents, list this case in the week after next.

In the meantime, interim order passed earlier shall continue, till the next date of hearing.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Bini