

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

S. A. No. 546 OF 2016

1. Smt. Injoriya W/o Ishwar Dayal, Aged About 45 Years S/o Ramprasad, R/o Village- Baselpur, Chhoti Salhi, Police Station & Tahsil- Khadgawan, District Korea, Chhattisgarh
2. Smt. Fuleshwari W/o Shambhu Sahu, Aged About 44 Years R/o Village- Amka, Police Station & Tahsil- Khadgawan, District- Korea, Chhattisgarh

---- Appellants**Versus**

1. Shivkumar S/o Gangaram, Aged About 40 Years R/o Village- Tutimar Laad, Tahsil- Katghora, District- Korba, Chhattisgarh
2. Smt. Sewari D/o Gangaram, Aged About 42 Years R/o Village- Bango, Police Station- Bango, Tahsil- Bango, District- Korba, Chhattisgarh
3. State Of Chhattisgarh, Through The Collector, Korea, Place At Baikunthpur, District- Korea, Chhattisgarh

---- Respondents

15/05/2017	Mr. Malay Kumar Bhaduri, Advocate for the appellants. Mr. V.B. Singh, PL for the State/respondent No.3. Heard on admission. This appeal is admitted for hearing on the following substantial questions of law:- 1. Whether the lower Appellate Court was justified in reversing the finding of the trial Court by holding that the plaintiffs' have acquired their right, title and interest over the suit property by virtue of the <i>Adhikar Abhilekh</i> (Exhibit P/6) ? 2. Whether the findings of the trial Court dismissing the suit on the point of limitation could be set at naught by the lower Appellate Court even without setting aside the said finding ?

Issue notice to the respondents No.1 and 2 only through ordinary post as well as registered post. P.F. be paid as per rules.

Also heard on I.A. No. 01/2016.

This is an application filed under Order 41 Rule 5 of the CPC for staying the effect and operation of the impugned judgment and decree dated 24.9.2016 passed by the First Additional District Judge, Manendragarh, District Korea in Civil Appeal No. 9-A/2015, pending decision of this appeal.

Issue notice to the respondents No.1 and 2 only on this application (I.A. No. 01/2016) also, as above.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the impugned decree dated 24.9.2016 passed by the First Additional District Judge, Manendragarh, District Korea in Civil Appeal No. 9-A/2015 shall remain stayed till the next date of hearing subject to furnishing security of Rs.25,000/- to the satisfaction of the trial Court/Executing Court within a period of two month from today for due performance of the decree ultimately to be passed against the appellants.

Post this matter immediately after the respondents No.1 and 2 are served for hearing on I.A. No. 01/2016.

Sd/-
(Sanjay Agrawal)
Judge