

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**FA No. 393 of 2016**

1. Suresh Kothari S/o Aaskaran Kothari, Aged About 54 Years Occupation Business, R/o Sadar Bazar, Durg, Tahsil And District Durg, Chhattisgarh .....Plaintiff, Chhattisgarh

**---- Appellant**

**Versus**

2. State Of Chhattisgarh Through The Collector/ Ex Officio Secretary, Durg, Tahsil And District Durg, Chhattisgarh, Chhattisgarh
3. Smt. Sangita Tandon W/o Praveen Tandon, Aged About 46 Years Occupation House Wife, R/o House No.6/1, Opp. Lokmanya Tilak Garden, Nehru Nagar East, Bhilai, Tahsil And District Durg, Chhattisgarh .....Defendants No.2 And 3, District : Durg, Chhattisgarh

**---- Respondents**

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For Appellant	:	Shri Malay Shrivastava, Advocate.
For respondent/State	:	Shri Trivikram Naya, Panel Lawyer.
For respondent No.2.	:	Shri Resham Lal Jaiswal, Advocate on behalf of Shri Goutam Khetrapal, Advocate.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Hon'ble Shri Justice Sanjay Kumar Jaiswal**

**Order on Board**

**by**

**Hon'ble Shri Justice Goutam Bhaduri**

**19/06/2023**

1. Heard.
2. By on order dated 21-08-2020, appeal against the respondent No.2, who died on 05-09-2018 stands abated on the ground that no application was filed.
3. The present appeal is against the dismissal of suit for specific performance wherein primarily the respondents- Yogendra Pal Soundhi and Sangeeta Tandon, who were alive, were the contesting parties. At present, both are died and the appeal stands abated.

4. Perusal of the record shows that the State was a formal party as the immovable property agricultural land was subject of specific performance, therefore, no substantial order can be passed only for the reasons that State is a party.
5. In view of above, no effective order can be passed in absence of the legal heirs of the original defendants.
6. Accordingly, the present appeal stands dismissed and abated against the main contesting parties.

SD/-  
**(Goutam Bhaduri)**  
Judge

SD/-  
**(Sanjay Kumar Jaiswal)**  
Judge

Amardeep