

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**FA No. 291 of 2018**

Manoj Kumar Jindal @ Bittu **Versus** Bhimsen Gupta

17/07/2018	<p>Shri Kishore Bhaduri, counsel for the appellant/s.</p> <p>Shri Manoj Paranjpe, counsel for respondent No.1.</p> <p>Heard on I.A.No.1, application under Order 41 Rule 5 R/W Section 151 of CPC for stay of execution of judgment and decree.</p> <p>Learned counsel for the appellant argued that the Trial Court has committed grave error in holding that the plaintiff – Bhimsen Gupta was legally and validly adopted son of Bhagat Jaiprakash Gupta, in the absence of there being any valid proof of the same either by a documentary or by oral evidence.</p> <p>On the other hand, Shri Paranjpe opposes and submits that the plaintiffs have proved that Bhimsen was duly adopted by Bhagat Jaiprakash Gupta and number of other members of the family have also stated before the Court regarding adoption and many of the properties were purchased by registered sale deed by Jaiprakash Gupta and his wife wherein the plaintiff – Bhimsen was declared to be their son.</p> <p>Having considered the submission of learned counsel for the parties and further taking into consideration that the appeal has already been admitted for hearing and further that if the decree of partition is allowed to be executed, it may lead to various complications, we are inclined to stay the execution of impugned judgment and decree. We, however, make it clear that the parties to the suit shall not be allowed to create third party interest in respect of the property in dispute during the pendency of the present appeal. It is further directed that <i>status quo</i> with regard to the property in dispute shall be maintained.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;"><b>(Manindra Mohan Shrivastava)</b> <b>Judge</b></p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;"><b>(Rajani Dubey)</b> <b>Judge</b></p>
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