

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 234 of 2019

- Rajesh Kumar Yadav S/o Late Balakram Yadav Aged About 34 Years Occupation - Electric Contractor, R/o Sonumuda, District Raigarh Presently At Rukhmani Vihar Colony, Near Aghariya Sadan, Kotra Road, Raigarh, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. Ganesh Kumar De S/o Late S. K. De, Aged About 40 Years Occupation - Electric Contractor, R/o Sonumuda Navapara, Raigarh District Raigarh Chhattisgarh.
2. Santosh Kumar Yadav S/o Late Mohan Lal Yadav Aged About 40 Years Occupation Electric Contractor, R/o Kotra Road, Heerapur, Ekta Nagar, Raigarh District Raigarh Chhattisgarh.

---- Respondents

30-09-2019	Shri Roop Naik, counsel for the appellant. Shri Manoj Kumar Sinha, Advocate and Shri Arvind Shrivastava, Advocate for the respondents. Heard on IA No. 01 for grant of stay. Learned counsel for the appellant would argue that the learned Court below has granted money decree in favour of the respondents/plaintiff without there being any clinching documentary evidence and the so called agreement being in the nature of partnership agreement was required to be compulsorily registered. He would further submit that the learned Court below, only on the basis of part admission regarding joint execution of work awarded by Electricity Board has reached the conclusion that the plaintiff would be entitled to 1/3rd share which is without any basis. On the other hand learned counsel for the respondents/plaintiff would submit that the judgment and decree has been passed on appellant's own admission that he, along with third partner - Santosh Kumar had executed
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awarded work of meter reading for which Rs.17,00,000/- paid by the Electricity Board.

Having considered submission of learned counsel for the parties, particular taking into consideration the submission, we are inclined to allow application only to the extent that the if appellant deposits 75% of the decree amount within two months, execution of remaining 25% shall remain stayed.

Appeal be listed for hearing.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Sd/-

(Vimla Singh Kapoor)

Judge