

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 554 of 2017

1. Girvar S/o Shri Mewaram Thethwar, Aged About 56 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
2. Mohan S/o Shri Mewaram Thethwar, Aged About 49 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
3. Hanuman S/o Shri Mewaram Thethwar, Aged About 45 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.....
(Defendants No. 1 To 3) **---- Appellants**

Versus

1. Smt. Shanti Bai Wd/o Jogiram, Aged About 60 Years R/o Of Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
2. Satruram Thethwar S/o Late Jogiram Thethwar, Aged About 42 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
3. Bedram Yadav S/o Late Milan Yadav, Aged About 40 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
4. Omprakash Yadav, S/o Late Milan Yadav, Aged About 25 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
5. Parasram Yadav S/o Late Milan Yadav, Aged About 22 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
6. Smt. Ganga Bai W/o Late Milan Yadav, Aged About 35 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
7. Milau Yadav, S/o Ankalha Yadav, Aged About 60 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
8. Smt. Miloutin Yadav D/o Ankalha Yadav, Aged About 58 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
9. Smt. Kamin Bai Yadav, D/o Ankalha Yadav, Aged About 55 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
10. Smt. Malni Bai Yadav D/o Ankalha Yadav, Aged About 50 Years R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
11. Janak Bai, D/o Late Shri Dhan Singh @ Dan Singh, R/o Village Jiratola @ Chuchrungapur, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.....
(Plaintiffs) **---- Respondents**

19/09/2017	<p data-bbox="427 250 1114 286">Shri Rakesh Pandey, counsel for the appellants.</p> <p data-bbox="331 344 1556 542">Heard on I.A.No. 01/2017, an application filed under Order 41 Rule 5 of the C.P.C. for staying the effect and operation of the impugned judgment and decree dated 29.07.2017 passed by the Additional District Judge, Khairagarh in Civil Appeal No. 6A/2013, till decision of this appeal.</p> <p data-bbox="331 600 1556 689">Issue notice of this application to the respondents on payment of P.F. within a period of 7 days for serving them by ordinary as well as by registered modes.</p> <p data-bbox="331 748 1556 1115">Purely, as an interim measure, it is directed that the partition proceedings in pursuance to the impugned decree dated 29.07.2017 passed by the Additional District Judge, Khairagarh in Civil Appeal No. 6A/2013 may go on but no final order shall be passed without prior permission of this Court, till the next date of hearing, subject to furnishing security in sum of Rs.25,000/- before the trial Court/Executing Court, within a period of two months from today, for due performance of the decree ultimately to be passed by this Court.</p> <p data-bbox="331 1173 1556 1263">Call for the records of both the Courts below and post this matter for admission in the week commencing 23rd October, 2017.</p> <p data-bbox="1321 1321 1385 1357">Sd/-</p> <p data-bbox="1219 1415 1484 1485">(Sanjay Agrawal) Judge</p>

Anjani