

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 73 of 2021

Smt. Poonam Shukla & Ors. Vs. Smt. Leela Bai Kothari & Ors.

23.11.2021	Shri Ratnesh Agrawal, Advocate for the appellants. Shri Siddharth Agrawal, Advocate for the respondents. Heard on IA No.1, which is an application under Order 41 Rule 5 of CPC seeking stay of the effect and operation of the impugned judgment and decree dated 25.02.2020. Learned counsel appearing for the appellants submits that the respondents-decree holder has already initiated execution proceedings and therefore unless there is an interim protection given by this court, the entire judgment and decree itself may get executed thereby creating further complication to the appeal and prayed for an interim protection to that extent. On the other hand, learned counsel appearing for the respondents-decree holder submits that in terms of the judgment and decree the decree holder has already deposited an amount of seven lakh rupees before the executing court seeking for further execution of the decree. Be that as it may, considering the entire facts and circumstances of the case particularly taking into consideration the fact that the respondents-decree holder is in possession of the suit property, let status quo be maintained in respect of the suit property as it exist today. Meanwhile, there shall be a stay of the effect and operation of the impugned judgment and decree dated 25.02.2020 passed in Civil Suit No.01-A/2008 till the next date of hearing. Considering the interim relief granted by this court, the respondents-decree holder would be at liberty, if so wants, to withdraw the amount that is already deposited before the executing court. The appellants are directed to prepare paper book within six weeks and the matter be listed for final hearing in the month of March, 2022. Sd/- (P. Sam Koshy) Judge Sd/- (Parth Prateem Sahu) Judge
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