

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 640 of 2023

1. Shivdayal Sahu S/o. Late Tarchand Sahu, Aged About 60 Years R/o. Village - Semra, Tehsil - Kurud, District - Dhamtari, Chhattisgarh. (Plaintiff)
2. Smt. Anusuiya Sahu W/o. Bhushan Sahu, Aged About 65 Years R/o. Bhairav Nagar, Mathapuraina Raipur, District - Raipur, Chhattisgarh.

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Versus

1. Balad Sahu, S/o. Late Sitaram Sahu (Since Died and Deleted)
 - 1a. Ghanshyam Sahu S/o. Late Balad Sahu Aged About 55 Years R/o. Village - Khorpa, Post - Khorpa, Tehsil - Abhanpur, District - Raipur, Chhattisgarh.
 - 1b. Mahendra Sahu S/o. Late Balad Sahu Aged About 40 Years R/o. Village - Khorpa, Post - Khorpa, Tehsil - Abhanpur, District - Raipur, Chhattisgarh.
 - 1c. Smt. Lata Bai W/o. Jagannath Sahu R/o. Village Borgaon, Tehsil and District - Raipur, Chhattisgarh.
 - 1d. Basant Sahu S/o. Balad Sahu Aged About 40 Years R/o. Village - Khorpa, Post - Khorpa, Tehsil - Abhanpur, District - Raipur, Chhattisgarh.
 - 1e. Pramila Bai W/o. Nandkumar Sahu Aged About 35 Years R/o. Village - Umarkoti, Tehsil and District - Dhmatari, Chhattisgarh.
 - 1f. Khemlata Sahu W/o. Gotaram Sahu Aged About 44 Years R/o. Village - Barda, Magarlod, District - Dhamtari, Chhattisgarh.
 - 1g. Meena Bai Sahu D/o. Late Mukesh Sahu Aged About 32 Years R/o. Village - Belar, Post - Chandi, Abhanpur, District - Raipur, Chhattisgarh.

2. Revaram Sahu, S/o. Late Sitaram Sahu (Through Legal Heirs)

2a. Smt. Yashoda Bai W/o. Late Revaram Sahu Aged About 60 Years

2b. Radhe Sahu W/o. Late Revaram Sahu Aged About 46 Years

2c. Ramkumar Sahu S/o. Late Revaram Sahu Aged About 43 Years

All three R/o Village Khorpa, post Khorpa, Tehsil Abhanpur, District Raipur (C.G.)

2d. Smt Ajni Bai W/o. Dayalal Sahu Aged About 38 Years, R/o Sector 6, Bhilai, District Durg (C.G.)

2e. Smt. Pushpa Bai W/o. Hulas Sahu Aged About 34 Years, R/o Tamashivni, Tehsil Abhanpur, District Raipur (C.G.)

2f. Smt Jitendri Bai W/o. Chandra Kumar Sahu Aged About 36 Years, R/o Village Sihad, Bakhara Tehsil Kurud, District Dhamtari (C.G.)

3. Janakkram Sahu, S/o. Late Sitaram Sahu, (Through Legal Heirs)

3a. Tulsi Bai W/o. Late Janakram Sahu Aged About 50 Years

3b. Parmeshwar S/o. Janakram Sahu Aged About 25 Years

Both R/o Village Khorpa, post Khorpa, Tehsil Abhanpur, District Raipur (C.G.)

3c. Smt. Nirmala Sahu D/o. Janakram Sahu Aged About 30 Years, R/o Tikrapara Raipur Tehsil and District Raipur (C.G.)

3d. Smt. Rohini Bai D/o. Late Janakram Sahu Aged About 28 Years, R/o Briakurd Tehsil and District Raipur (C.G.)

3e. Smt. Shakuntala Bai D/o. Late Janakram Sahu Aged About 26 Years, R/o Near Chandi Mandir Durg, Tahsil and District Durg (C.G.)

3f. Smt. Dhaneshwari Bai D/o. Late Janakram Sahu Aged About 24 Years, R/o Village Khorpa, Post Khorpa, Tehsil Abhanpur, District Raipur (C.G.)

3g. Smt. Sunita Bai D/o. Late Janakram Sahu Aged About 22 Years, R/o Lodhipara, Raipur, Tehsil and District Raipur (C.G.)

4. Smt. Sukhmati Sahu, W/o. Late Chatru Ram Sahu, Aged About 55 Years R/o. Village Khorpa, Post Khorpa, Tehsil Abhanpur and District Raipur, Chhattisgarh. (although not mentioned in the cause title/ memo of appeal)

5. Vyasnarayan Sahu, S/o. Late Chatruram Sahu, (Through Legal Heirs)

5a. Chitrekha W/o. Late Vyas Narayan Sahu Aged About 52 Years

5b. Domendra S/o. Late Vyas Narayan Sahu Aged About 20 Years

All three R/o Village Khorpa, Post Khorpa, Tehsil Abhanpur, District Raipur (C.G.)

5c. Smt. Manju Sahu D/o. Chandrashekhar Sahu Aged About 22 Years, R/o Village Peliguda Tehsil Patan District Raipur (C.G.)

6. Lok Nath Sahu, S/o. Late Chatruram Sahu, Aged About 34 Years Resident of Village Khorpa, Post- Khorpa Tehsil- Abhanpur, District - Raipur, Chhattisgarh.

7. Punarad Sahu, S/o. Late Chatruram Sahu, Aged About 30 Years Resident of Village Khorpa, Post- Khorpa Tehsil- Abhanpur, District - Raipur, Chhattisgarh.

8. Smt. Shantibai, W/o. Bihari Sahu, Aged About 37 Years R/o. Village - Rakhi, Post - Bhatagaon, Tehsil - Kurud, District - Dhamtari, Chhattisgarh.

9. Smt. Parvati Sahu D/o. Late Chatru Sahu Aged About 28 Years R/o. Village Khorpa, Post -Khorpa Tehsil - Abhanpur, District - Raipur, Chhattisgarh.

10. Smt. Bhuneshwari Bai D/o. Late Chatru Sahu Aged About 25 Years R/o. Village Mandir Hasaud Tehsil and District - Raipur, Chhattisgarh.

11. Smt. Rukmani Bai D/o. Late Bhikham Sahu Aged About 50 Years R/o. Village - Nayakbandha, Abhanpur, Tehsil Abhanpur, District - Raipur, Chhattisgarh.

12. Smt. Shyam Bati Sahu, W/o. Late Maiyaram Sahu, (Through Legal Heirs)

12a. Punit Ram Sahu S/o. Late Bhaiyaram Sahu Aged About 42 Years

12b. Doman Sahu S/o. Late Bhaiyaram Sahu Aged About 36 Years

12c. Soman Sahu S/o. Late Bhaiyaram Sahu Aged About 42 Years

Above three S/o late Bhaiyaram Sahu village Sakri, Post Chandi and Tehsil Abhanpur, District Raipur (C.G.)

12d. Smt. Mehtareen Bai Sahu W/o. Late Khelan Sahu Aged About 50 Years, R/o Village Biroda, Post and Tehsil Abhanpur, District Raipur (C.G.)

12e. Smt. Neera Bai W/o. Babulal Sahu Aged About 42 Years, R/o Village Borenda Post Kesara, Tehsil Patan, District Durg (C.G.)

12f. Smt. Rahi Bai Aged About 45 Years, R/o Village Biroda Post Abhanpur, Tehsil Abhanpur, District Raipur (C.G.)

13. State of Madhya Pradesh Now Chhattisgarh, Through Collector, Raipur, District - Raipur, Chhattisgarh.

14. Jageshwar Sahu, S/o. Late Tarachand Sahu, Aged About 53 Years R/o. Village Semra, Teshil -Kurud, District - Dhamtari, Chhattisgarh.

15. Dayaram Sahu, S/o. Late Tarachand Sahu, Aged About 45 Years R/o. Village Semra, Tehsil - Kurud, District - Dhamtari, Chhattisgarh.

---- Respondents

09/08/2023	Mr. Bharat Sharma, Advocate for the petitioners. Mr. Vimlesh Bajpai, Govt. Advocate for the State/respondent No.13. Issue notice to the respondents No.1a to 12f, 14 and 15 on payment of P.F. by ordinary as well as registered mode. Heard on I.A.No.1, application for grant of Ad-interim relief. Learned counsel for the petitioners would submit that in Civil Suit No.61A/2019 out of four complainants only two have signed the application moved under Order 23 Rule 1 and 3 of the CPC and same was allowed by the learned trial Court. He would submit that the procedure adopted by the learned trial Court was contrary to the provisions of Order 23 Rule 1(5) of the CPC and the judgment passed by the Hon'ble Supreme Court in the matter of Gurpreet Singh Vs. Catur Bhuj Goel, reported in (1988) 1 SCC 270. Taking into consideration the facts of the present case and the provisions of Order 23 Rule 1(3) and (5) of the CPC a strong case is made out for grant of stay, therefore, the parties are directed to maintain status quo till the next date of hearing. List this case after service of notice. Sd/- (Rakesh Mohan Pandey) Judge