

**HIGH COURT OF CHHATTISGARH AT BILASPUR****SA No. 493 of 2018****SANTOSH DUBEY versus SMT. MANORAMA PANDEY****SA/461/2018,SA/587/2018****Order Sheet**

03/01/2025	Shri Shobhit Koshta, counsel for the appellant in SA No.587 of 2018. Shri Sourabh Sahu appears on behalf of Shri CD Sharma, counsel for the respective appellant. Shri Ajit Gupta, GA and Ms. Neeta T Thawani, PL for State. <u>SA/587/2018</u> Heard. Shri Koshta, counsel for the appellant submits that appellant has purchased the share of Respondent No.4-Nandani and has filed a cross-suit for partition and allotment of the purchased property in the share of her predecessor-Nandini to balance the equities but the trial Court has dismissed the cross-suit by observing that if the sold property falls into the share of her predecessor then she may file a separate suit. The Appeal is admitted on the following substantial



Avinash	question of law:- “Whether the trial Court and the appellate Court are justified in dismissing the cross-suit filed for partition by the appellant/purchaser being coparcenary property as the same is against the principles of equity?” Let a notice be issued to the private respondents on the above substantial question of law as well as on the merit of appeal on payment of PF as per rules. Also heard on I.A. No.1, application for grant of stay. Issue notice to the respondents on this application also, as above. Considering the facts and circumstances of the case, purely as an interim measure, it is directed that so far as sold property in favour of appellant is concerned, status quo shall be maintained with respect to the said property subject to appellant’s furnishing a surety of Rs.25,000/- within a period of 1 month before the trial Court/executing Court and the same shall be subject to the final outcome of the appeal. <u>SA/461/2018</u> Shri Sahu prays for time. List this matter along with SA No. 493 of 2018. <u>SA No. 493 of 2018</u> Registry is directed not to publish the name of Shri RN Jha, Advocate in the cause list on the further dates of hearing as he has passed away. Sd/- (Deepak Kumar Tiwari) Judge
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