

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 68 of 2015

Parasnath Kushwaha **Versus** Jaswant Prakash And Ors.

29/10/2018	Ms. Sharmila Singhai, counsel for the appellant. Shri Chandresh Shrivastava, counsel for respondent No.12. Shri Dilman Rati Minj, Dy.G.A. for the State. No representation is made on behalf of respondent No.8. Heard on application for modification of the order dated 2/03/2016 moved on behalf of respondent No.12. Similar application has been filed by respondent No.8, however no representation is made on behalf of respondent No.8 even in the second call. Learned counsel for respondent No.12 submits that while appeal was admitted for hearing on 2/03/2016 court directed to maintain status quo. It is contended that by effect of such order the construction which was carried out on the suit property has been stopped and therefore respondent No.12 may be allowed to carry out the construction over the suit property and submits that in any case if appeal is allowed, respondent No.12 shall not claim any right over the said property for construction so being raised. It is an admitted appeal. Considering the submission so made, the order dated 2/03/2016 is modified to the extent that respondent No.12 shall be allowed to carry out the construction over the suit property and in the eventuality of the appeal being succeeded and decreed in favour of the appellant, respondent No.12 shall not be entitled for any restoration for the construction so made. With such modification, the application for modification of order

dated 2/03/2016 moved on behalf of respondent No.12 stands allowed.

List the case for final hearing in due course.

Sd/-

(Goutam Bhaduri)

JUDGE

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