

HIGH COURT OF CHHATTISGARH, BILASPUR

FA No. 483 of 2019

Ravindra Kumar Tiwari S/o Shri Vijendra Tiwari Aged About 38 Years R/o- Village- Kurda, Tahsil- Champa, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Appellant

Versus

1. Itwari Dheemar S/o Shri Jhadu Aged About 66 Years R/o Near Old College Ward No. - 3, Champa, Tahsil- Champa, District- Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Santoshi Bai Dheemar W/o Shri Akadasia Aged About 30 Years R/o Near Old College Ward No. - 3, Champa, Tahsil- Champa, District- Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Heera Bai Dheemar W/o Shri Santosh Dheemar Aged About 28 Years R/o Near Old College Ward No. - 3, Champa, Tahsil- Champa, District- Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Vijendra Tiwari S/o Shri Netram Aged About 60 Years Village- Kurda, Tahsil- Champa, District- Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Satish Kumar Tiwari S/o Shri Vijendra Tiwari Aged About 36 Years Village- Kurda, Tahsil- Champa, District- Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
6. State Of Chhattisgarh Through- The Collector, Janjgir - Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

14/01/2019	Shri Anurag Dayal Shrivastava, counsel for the Appellant. Shri Vikash Shrivastava, Panel Lawyer for the State. None appears for other respondents though served. Heard on prayer for grant of temporary injunction. Learned counsel for the appellant would argue that the learned Court below, having held that property is an ancestral one, wrongly

dismissed the suit. He submits that if the purchasers create third party interest in respect of the property in dispute, serious complications would arise.

Considering that the suit property has already been sold by father of the plaintiff to other defendants who are admittedly in possession of the same, we are not inclined to restrain them from enjoying the fruits of the property. However, it is observed that the theory of *lis pendens* will be applicable and the transaction, if any made, would be subject to final outcome of this appeal.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge