

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

S.A. No. 786 of 2019

1. Ganesh Ram Suryawanshi S/o Hetram Aged About 70 Years R/o Pamgarh, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.
2. Sukhdev Ram S/o Ganesh Ram Aged About 50 Years R/o Pamgarh, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.
3. Ishwar S/o Ganesh Ram Aged About 45 Years R/o Pamgarh, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.
4. Sharda S/o Ganesh Ram Aged About 45 Years R/o Pamgarh, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.
5. Chandra Shekhar S/o Ganesh Ram Aged About 35 Years R/o Pamgarh, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh. (Defendants/appellants) **---- Appellants**

Versus

1. Smt. Shakuntala Devi W/o Nohar Lal Aged About 55 Years R/o Village And Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.
2. Navin Kumar S/o Nohar Lal Aged About 32 Years R/o Village And Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh. (Plaintiff/respondents).
3. State Of Chhattisgarh Through The Collector, Janjgir-Champa, Chhattisgarh. (Defendant/respondent). **---- Respondents**

13.04.2023	Shri Somnath Verma, counsel for the Appellants. Shri Vinod Kumar Sharma, counsel for Respondents No.1 & 2. Shri Sanjeev Kumar Agrawal, Panel Lawyer for the State/Respondent No. 3. Heard on admission. This appeal is admitted for hearing on the following substantial question of law:- “Whether finding of the Courts below decreeing the plaintiffs' claim by declaring their ownership with regard to the suit land while ignoring the registered deed of sale dated 04.10.1974 (Ex.D.2), whereby, the predecessor-in-interest of the defendants, namely, Hetram had sold the part of Khasra No.174/1 admeasuring 0.80

acres, which is distinct from the part of Khasra No.174/4 as pleaded by the plaintiffs, to one Kesar Lal, who was the vendor of the plaintiffs' vendor (Dr. Yogendra Singh), is perverse?"

No notice is required to be issued to the respondents as they have already made their appearance through their counsels.

Learned counsel for the appellants is directed to supply the copy of substantial question of law as framed to the learned counsel for the respondents within a period of 15 days from today.

Also heard on I.A. No.01/2019, an application filed under Order 41 Rule 5 of CPC for staying the effect and operation of the impugned judgment and decree dated 10.10.2019 passed by Second Additional District Judge, Janjgir, District Janjgir-Champa (C.G.) in Civil Appeal No. 04-A/2019, pending decision of this appeal.

On due consideration, the said application is allowed and it is directed that the effect and operation of the impugned judgment and decree dated 10.10.2019 passed by Second Additional District Judge, Janjgir, District Janjgir-Champa (C.G.) in Civil Appeal No. 04-A/2019 shall remain stayed until further orders, subject to Appellants' furnishing security amount of Rs.25,000/- before the concerned executing Court within a period of 90 days from today for due performance of the decree ultimately to be passed by this Court.

I.A. No.01/2019, thus, stands disposed of.

Sd/-

(Sanjay S. Agrawal)
Judge