

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET

FA No. 5 of 2024

Abdul Akil Khan and another **Versus** Smt Khatija Begum and another

08.01.2024	<p>Ms. Priyanka Rai, Counsel for the appellants.</p> <p>Mrs. Astha Shukla, Govt. Advocate for the State/respondent No.2.</p> <p>Heard on admission.</p> <p>Issue notice to the Respondent No.1 only, on payment of process fee, as per rules.</p> <p>Also heard on I.A. No.01/2024, an application seeking grant of stay.</p> <p>Learned counsel appearing for the appellants prays for restraining the Respondent No.1, from creating third party interest over the property in question, pending decision of this appeal.</p> <p>From perusal of the record, it appears that the appellants/plaintiffs instituted a suit claiming declaration to the effect that the registered deed of Hibanama (Gift deed) dated 14.01.2019, executed by their father Late Abdul Akil Khan, in favour of Respondent No.1/Defendant No.1, namely, Smt. Khatija Begum with regard to the two storied building constructed over Khasra No.317/2 admeasuring 0.01 ¼ acre (Plaint Schedule 'A') is not binding upon them. After considering the evidence led by the plaintiffs, the trial Court has dismissed the claim by refusing to declare the alleged Gift deed as null and void.</p> <p>In view thereof, we are not inclined to grant the interim relief, as prayed</p>

for.

The application is, accordingly, rejected and disposed of.

Call for record of the Court below.

Post this matter immediately after five weeks for consideration on admission.

Sd/-

**(Sanjay S. Agrawal)**  
**JUDGE**

Sd/-

**(Radhakishan Agrawal)**  
**JUDGE**