



HIGH COURT OF CHHATTISGARH AT BILASPUR

FA No. 215 of 2025

DEVKUMARI **versus** HULASO

Order Sheet

02/07/2026	Shri Siddharth Pandey, Advocate for the appellants. Shri Parth Shrivastava, Advocate appears through video conferencing and Ms. Shruti Jha, Advocate for respondent No.1. Shri Aman Tamboli, Panel Lawyer for the State/respondent No.2. Heard on admission. Admit. Issue notice. Shri Parth Shrivastava, learned Advocate and Shri Aman Tamboli, learned Panel Lawyer accept notice on behalf of respondent No.1 and respondent No.2, respectively. Hence, no P.F. is required to be paid.
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Also heard on I.A. No.1, an application under Order 41 Rule 5 of the Code of Civil Procedure for grant of interim relief.

Learned counsel for the appellants submits that appellants No.2 and 3 are the *bona fide* purchasers of the suit property from appellant No.1. Respondent No.1, who is the plaintiff, filed a suit for declaration of title and partition and never claimed any relief for possession. He further submits that after the sale deed was executed in favour of appellants No.2 and 3 by appellant No.1, appellants No.2 and 3 are in possession. The learned Trial Court allowed the suit of the plaintiff and granted a decree of declaration of title of the suit property to 1/2 share and declared the sale deed valid upto the share of appellant No.1. The Trial Court further granted a decree of injunction in favour of respondent No.1/plaintiff, which is absolutely perverse as appellants No.2 and 3/defendants are in possession of the suit property. In the garb of the impugned judgment and decree, the Tahsildar is proceeding ahead to deliver the possession of the suit property to respondent No.1/plaintiff. He further submits that respondent No.1/plaintiff could not prove her case that she was a *gharjinha*, daughter of appellant No.1. There are ample evidence on record to suggest that after marriage respondent No.1 was residing separately from her mother/appellant No.1. Appellant No.1 and respondent No.1 are tribal and they are governed by their own customs. Thus, it is prayed that some interim relief may be granted.

Gopal	Learned counsel appearing for respondent No.1 heavily opposes the above submission and submits that there is no merit in the submission of learned counsel for the appellants. Respondent No.1/plaintiff was able to prove that she was a <i>gharjinha</i> daughter and was entitled to share in the suit property which was illegally sold by appellant No.1 to appellants No.2 and 3. Thus, no interim relief may be granted to the appellants. Be that as it may, taking into consideration the submissions made on behalf of the parties and considering that it is a first appeal and if any interim order is not passed, there is possibility of dispossession of appellants No.2 and 3 from the suit property. Therefore, it is directed that till the next date of hearing, <i>status quo</i> shall be maintained on the suit property by the respective parties. List this case for final disposal at motion stage on 28.7.2026. Sd/- (Sachin Singh Rajput) Judge
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