

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet,

SA No. 17 of 2020

1. Rajkumar Singh S/o Raghunath Singh Thakur Aged About 62 Years R/o Narmada Vihar, Yadunandan Nagar, Tifra, Bilaspur Chhattisgarh.,
2. Nand Kumar S/o Raghunath Singh Thakur Aged About 57 Years R/o Village Baniya, Post Office Gaurmati, Tehsil - Sahaspur - Lohara, Kabirdham Chhattisgarh.,
3. Rishi Kumar S/o Raghunath Singh Thakur Aged About 54 Years R/o Village Baniya, Post Office Gaurmati, Tehsil - Sahaspur - Lohara, Kabirdham Chhattisgarh.,

---- Appellants/Defendants 1 to 3**Versus**

1. Smt. Ramkali W/o Ramkumar Singh Parihar Aged About 65 Years R/o Village Bijaldehi, Police Station And Tehsil Khairagarh, Rajnandgaon Chhattisgarh.,
2. Smt. Meena Thakur W/o Shri Ramkumar Singh Baghel Aged About 54 Years R/o B.M.Y. Nehru Chowk Charoda, Tehsil Patan, Durg Chhattisgarh.,
3. State Of Chhattisgarh Through Collector, Kabirdham, Chhattisgarh.,

---- Respondents/Plaintiffs 1 & 2 and Defendant 4

19.12.2022	Shri A.K.Samant Ray appears along with Shri Raja Sharma, counsel for the appellants. Shri Ravipal Maheshwari, P.L. for the State/respondent No.3. Heard on admission. This appeal is admitted on the following substantial question of law : “Whether finding of the lower appellate Court disbelieving the partition effected amongst Raghunath Singh and his sons on 16.06.1995 while reversing the finding of the trial Court to this effect and thereby holding that the plaintiffs are entitled to 1/5th share with regard to the property in question described in plaint Schedule 'A', is perverse?” Issue notice to respondents 1 & 2 only on payment of P.F. as per rules. Counsel for the appellants is directed to supply the substantial question of

law as framed to the counsel for respondent 3 within a period of 15 days from today.

.Also heard on I.A.No.01/2022, an application filed under Order 41 Rule 5 of the Code of Civil Procedure, 1908 praying for staying the effect and operation of the judgment and decree dated 06.12.2019 passed in Civil Appeal no. 24-A/2015.

Issue notice of this application to the said respondents, as above.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the impugned judgment and decree dated 06.12.2019 passed by the Additional District Judge, Kabirdham (C.G.) in Civil Appeal No.24-A/2015 shall remain stayed till the next date of hearing subject to appellants' furnishing security amount of Rs.25,000/- before the concerned Executing Court within a period of 45 days from today for due performance of the decree ultimately to be passed by this Court.

Certified copy as per rules.

Sd/-

(Sanjay S. Agrawal)
Judge