



## HIGH COURT OF CHHATTISGARH, BILASPUR

### SA No. 118 of 2023

1. Smt. Ratna Deshpande W/o Late Pramod Deshpande Aged About 75 Years Through Power Of Attorney Holder Shri Shibabrata Bardhan S/o Shri Debabrata Bardhan Aged About 64 Years R/o L.I.C. 23, Shankar Nagar, Sector-2, Shankar Nagar Tehsil And District Raipur, Chhattisgarh R/o J-215, Near Water Tank Awanti Vihar Colony Raipur Tehsil And District Raipur, Chhattisgarh.....Plaintiff.
2. Ku. Bandita Deshpande D/o Late Pramod Deshpande Aged About 69 Years R/o J-215, Near Water Tank Awanti Vihar Colony Raipur Tehsil And District Raipur, Chhattisgarh.....Plaintiff.

---- Appellants

### **Versus**

1. Mohd. Nadimuddin S/o Modh. Kabiruddin Aged About 49 Years R/o Budhapara, Raipur, Tehsil And District Raipur Chhattisgarh.....Defendant.
2. State Of Chhattisgarh Through Collector, Raipur, District Raipur, Chhattisgarh.....Defendant.

---- Respondents

22.02.2023	<p>Shri Kishore Bhaduri, learned Senior Counsel appears along with Shri Rakesh Dubey and Shri Kulesh Sahu for the Appellants.</p> <p>Shri Hemant Kumar Agrawal, Advocate appears along with Ms. Mandavi Bhardwaj, counsel for Respondent No.1, on Caveat.</p> <p>Shri Tarkeshwar Nande, Panel Lawyer for the State/Respondent No.2.</p> <p>Heard on admission.</p> <p>Learned counsel appearing for the appellants/plaintiffs submits that when the appeal was preferred before the lower appellant court against the rejection of their plaint, a temporary injunction order was passed on 19.10.2022, while restraining the respondent No.1/defendant No.1 from interfering in peaceful possession of the appellants/plaintiffs and therefore, at least till the next date of hearing, the said defendant be restrained from interfering in their peaceful possession else, an irreparable loss would cause to them.</p>



Shri Hemant Kumar Agrawal, learned counsel appearing for respondent No.1, has however, opposed the same as the appeal has already been dismissed, therefore, the appellants are not entitled to get the benefit of said interim order as passed by the appellate court on 19.10.2022.

Having considered the aforesaid contention of the parties and considering further that since vide order dated 19.10.2022, the lower appellate court has restrained the respondent No.1/defendant No.1 by way of injunction from interfering in plaintiffs' peaceful possession, I am inclined to allow the prayer made by learned counsel for the appellants. Accordingly, the respondent No.1/defendant No.1 is hereby restrained from interfering in peaceful possession of the appellants/plaintiffs till the next date of hearing.

Call for the records of the Courts below forthwith by fax and post this matter for admission and also for consideration on an application for grant of interim relief, marked as I.A.No.1/2023, on 13<sup>th</sup> March, 2023.

**Sd/-**  
**(Sanjay S. Agrawal)**  
**Judge**