

Kothiram Vs. Lakshminarayan

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Court : Madhya Pradesh

Decided On : Jun-19-2013

Appellant : Kothiram

Respondent : Lakshminarayan

Advocate for Pet/Ap. : Shri. Jaideep Sirpurkar

Judgement :

Writ Petition No.9442/2013 19.06.2013 Shri Jaideep Sirpurkar, learned counsel for the petitioner.

He is heard on the question of admission.

The petitioner - defendant has filed this petition under Article 227 of the Constitution of India being aggrieved by the order dated 21.2.2013, passed by the District Judge, Chhindwara in Misc.

Civil Appeal No.10/13, affirming the order dated 3.9.2011 passed by the Civil Judge, Class-II, Pardhurna in Co.No.31-A/11 whereby allowing the application of the respondents, filed under Order 39, Rule 1 and 2 of CPC by issuing ad interim injunction, the petitioner has been restrained to make further construction over the disputed land.

In the couRs.of arguments on merits, in view of the findings given by the trial court and affirmed by the appellate court in their respective orders (Annexure P-6 and P-

7) restraining the petitioner to make further construction over the disputed property and the documents filed on record, on making certain query, on which petitioner's counsel instead to argue further prays that instead to decide this petition on merits, the same be disposed of with a direction to the trial court to decide the impugned suit on some early date with some time bound schedule.

Considering the aforesaid prayer of the petitioner counsel, instead to decide this petition on merits, the same is dismissed as withdrawn and not pressed.

However considering the oral prayer of the petitioner's counsel, the trial court is directed to take an endeavour to expedite the trial of the impugned suit and conclude the same on some early date, probably on or before 31.12.2014.

C c as per rules.

(U.C.Maheshwari) Judge

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