

Mandru Vs. Gendalal

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Court : Madhya Pradesh

Decided On : Feb-27-2013

Appellant : Mandru

Respondent : Gendalal

Judgement :

Writ Petition No ::

20871. / 2012 Mandru versus Gendalal and State of MP 27.02.2013.

Shri P.C.Paliwal for the petitioner.

Shri L.G.S.Baghel for respondent No.1.

Shri Sanjeev Kumar Singh, Panel Lawyer, for the State.

Challenging an order passed by the appellate court granting injunction in a proceeding under Order 39 Rules 1 and 2 of the CPC and interfering with the injunction refused by the trial court, this writ petition is filed by the defendant.

Respondent No.1/plaintiff filed the suit in question with regard to the land situated in Village Kalathuni, Settlement No.59, Patwari Halka No.9, Revenue Circle Sanwari Tehsil Mokhed, District Chhindwara.

An application for temporary injunction was filed before the trial court and the trial court found that with regard to possession of the plaintiff on the suit property,

affidavits of the neighbouring farmers and agriculturists have not been filed and by recording a finding that possession of the plaintiff is not established, the prayer for interim relief was rejected.

However, on an appeal the learned appellate court took note of certain averments made by the defendant in his written statement and holding the plaintiff to be in possession, as per the averments of the defendant, interim order was passed.

This Court while issuing note in the writ petition has directed the parties to maintain status quo.

That being so, for the present, directing the parties to maintain status quo in the matter, the learned court below is directed to proceed and decide the suit in accordance with law 2 Writ Petition No ::

20871. / 2012 Mandru versus Gendalal and State of MP preferably within a period of six months from the date of receipt of certified copy of this order.

With the aforesaid, the petition stands disposed of.

Certified copy as per rules.

(RAJENDRA MENON) JUDGE Aks/-

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