

(2018) 06 CHH CK 0235

Chhattisgarh High Court

Case No: WP227 No. 541 Of 2018

Shivkumar And Ors

APPELLANT

Vs

Anuj Pratap Singh And Ors

RESPONDENT

Date of Decision: June 29, 2018

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Priyanka Mehta

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. Learned counsel for the petitioners submits that both the Courts below misdirected itself to hold that the plaintiffs have prayed for stay of the

construction but actually the prayer was made that the defendants be restrained from entering into the land of the petitioners/plaintiffs as the

defendant has constructed a wall on the joining of both the land and trying to encroach upon the land by entering into the land of the petitioners,

therefore, if the defendant enters into the land of the petitioners then it will give rise to multiplicity of the proceeding. She further submits that the suit

is already pending for demolition of projection made over the part of the land of the petitioners.

3. Perused the documents and the application for injunction, wherein it is been prayed that the defendant be restrained from entering into the land of

the petitioners. It is obvious that the defendant shall not enter into the land of the petitioners which belonged to them and in case if forcible entry is

made then it will lead to actionable wrong. Taking into such fact that the suit is already pending, the trial Court is directed to adjudicate the suit as early as possible making all efforts without unnecessary delay. In the meanwhile, it is directed that the parties shall maintain status quo in respect of the suit property to avoid the multiplicity of the proceeding.

4. With such observation, the writ petition stands disposed of.