
(2012) 09 MP CK 0033
In the Madhya Pradesh High Court
Case No : S.A. No. 417/12

AZAD

APPELLANT

Vs

Janki Dubey (Dead) Th. L.Rs. Gopal Murti Dubey

RESPONDENT

Date of Decision : 21-09-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 41 Rule 5, 151
Madhya Pradesh/Chhattisgarh Accommodation Control Act, 1961 — Section 13(1)

Citation : (2012) 09 MP CK 0033

Hon'ble Judges : Brij Kishore Dube, J

Bench : Single Bench

Advocate : D.D. Bansal, for the Appellant; J.P. Mishra, Advocate, on caveat application for Respondents No. 1(a) and 1(b), for the Respondent

Final Decision : Dismissed

Judgement

Brij Kishore Dube, Judge

1. Learned counsel for the appellant submits that this appeal may be heard on the question of admission alongwith the record of the Trial Court. The submission seems to be reasonable. Let record of the Trial Court be called for.

2. Heard on I.A. No. 3706/12, an application under Order XLI Rule 5 read with Section 151 of C.P.C., for staying the execution and operation of the impugned judgment and decree.

3. Issue notice on this application to the respondents No. 1(c), and 2 by registered post A.D., as well as ordinary mode service, on payment of process fee within a week failing which the appeal stands dismissed without further reference to the Court.

4. Notice be made returnable within eight weeks.

5. Considering the submissions of the learned counsel for the parties and facts of the case, eviction part of the decree from the suit shop shall remain stayed

subject to compliance of the money part of the decree and further compliance u/s 13(1) of the Madhya Pradesh Accommodation Control Act, 1961 within a period of four weeks from today, till the next date of hearing.

6. List I.A. No. 3706 of 2012 for confirmation of the interim order passed today immediately after service of notice to the respondents. Certified copy as per rules.