

(2022) 02 MP CK 0092
In the Madhya Pradesh High Court
Case No : First Appeal No. 231 Of 2022

Gopal And Others

APPELLANT

Vs

Om Babu Jain And Others

RESPONDENT

Date of Decision : 14-02-2022

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151, Order 39 Rule 1, Order 39 Rule 2, Order 41 Rule 5

Citation : (2022) 02 MP CK 0092

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Anil Lala

Judgement

Anjuli Palo, J

Heard on I.A. No. 1442/2022, which is an application under 39 Rule 1 and 2 of the CPC read with Order 41 Rule 5 and Section 151 of the CPC.

Learned counsel for the appellant has submitted that another appeal F.A. No. 134 of 2022 has been filed by defendant No. 5 Sanjay Singh which

arose out of the same judgment dated 31.12.2021, which is pending before this Court and this Court has passed the following order:-

Shri Anil Lala and Shri R.k. Patidar, counsel for the appellant.

Shri Abeer Das, counsel for respondent No.1.

Learned counsel for the appellant has filed I.A.No. 875/2022 under Order 39 Rule 1 and 2 of CPC read with Order 41 rule 5 and Section 151 of the

CPC. He submits that there is a decree in favour of the respondent passed by the trial Court and direction for execution of the same within 60 days.

Hence, he prays for an order of status-quo.

Admittedly, no application for execution proceedings has been filed by respondent No.1 before the trial Court.

In absence of record of the Court below, no order of status-quo can be passed. However, in the interest of justice, till date next of hearing, parties are

directed not to create any third party interest over the suit property.

It is made clear that I.A.No. 875/2022 shall be decided on merits after perusal of the record.

Record of the Court below be called for.

List after 15 days.

In view of the above, the parties are directed not to create any third party interest over the suit property till next date of hearing.

It is made clear that I.A. No. 1442/2022 shall be considered on merits after perusal of the record.

Record of the Court below be requisitioned.

List along with F.A. No. 134 of 2022.