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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 25<sup>th</sup> OF JANUARY, 2024**

**MISC. PETITION No. 1299 of 2022**

**BETWEEN:-**

**SUNDRAM REAL INFRA PRIVATE LIMITED THROUGH  
DIRECTOR / AUTHORIZED PERSON PAWAN NARANG  
S/O SHRI MAHENDRA KUMAR NARANG, AGED ABOUT  
53 YEARS, OCCUPATION: BUSINESS R/O. 60 ADITYA  
NAGAR (MADHYA PRADESH)**

**.....PETITIONER**

***(BY SHRI JAGDISH BAHETI - ADVOCATE)***

**AND**

- 1. TULSABAI W/O LATE RAMCHANDRA, AGED ABOUT 73 YEARS, ADD. PANCHMUKHI HANUMAN DEVJI ROAD, DHAR (MADHYA PRADESH)**
- 2. MANOJ S/O LATE RAMCHANDRA, AGED ABOUT 46 YEARS, PANCHMUKHI HANUMAN, DEVJI ROAD, DHAR (MADHYA PRADESH)**
- 3. VINOD S/O LATE RAMCHANDRA, AGED ABOUT 41 YEARS, ADD HAMMAL COLONY DEVGURADIYA ROAD INDORE (MADHYA PRADESH)**
- 4. KAVITA W/O ASHOK, AGED ABOUT 50 YEARS, ADD NEUGURADIYA TEHSIL MHOW DIST INDORE (MADHYA PRADESH)**
- 5. LAKHANSINGH S/O HINDU SINGH, AGED ABOUT 50 YEARS, ADD THAKUR MOHALLA, GRAM TILLOR KHURD TEHSIL MHOW, DISTT INDORE (MADHYA PRADESH)**
- 6. MAKHAN SINGH S/O HINDU SINGH, AGED ABOUT 48 YEARS, THAKUR MOHALLA, GRAM TILLOR KHURD TEHSIL MHOW DISTT INDORE (MADHYA PRADESH)**
- 7. HINDU SINGH S/O RAMNATH, AGED ABOUT 73**

**YEARS, THAKUR MOHALLA, GRAM TILLOR  
KHURD TEHSIL MHOW DISTT INDORE (MADHYA  
PRADESH)**

- 8. KRISHNA BAI W/O HINDUSINGH, AGED ABOUT 63  
YEARS, THAKUR MOHALLA, GRAM TILLOR  
KHURD TEHSIL MHOW DISTT INDORE (MADHYA  
PRADESH)**
- 9. SANTOSH S/O MANGILAL, AGED ABOUT 58  
YEARS, THAKUR MOHALLA, GRAM TILLOR  
KHURD TEHSIL MHOW DISTT INDORE (MADHYA  
PRADESH)**
- 10. ANURADHA W/O CHANDRAPRAKASH GRAM  
BARWAH, DIST KHARGONE (MADHYA PRADESH)**
- 11. SHANKAR S/O JAGANNATH, AGED ABOUT 78  
YEARS, ADD PANCHAM KI FHEL, SELBI HOSPITAL  
KE SAMEN SHIV MANDIR KE PAS INDORE  
(MADHYA PRADESH)**
- 12. FULSINGH S/O JAGANNATH, AGED ABOUT 76  
YEARS, PANCHAM KI FHEL, SELBI HOSPITAL KE  
SAMEN SHIV MANDIR KE PAS INDORE (MADHYA  
PRADESH)**
- 13. RAMESH S/O JAGANNATH, AGED ABOUT 63  
YEARS, PANCHAM KI FHEL, SELBI HOSPITAL KE  
SAMEN SHIV MANDIR KE PAS INDORE (MADHYA  
PRADESH)**
- 14. RADHESHYAM S/O RAMCHANDRA, AGED ABOUT  
42 YEARS, PANCHAM KI FHEL, SELBI HOSPITAL  
KE SAMEN SHIV MANDIR KE PAS INDORE  
(MADHYA PRADESH)**
- 15. JITENDRA S/O RAMCHANDRA, AGED ABOUT 40  
YEARS, PANCHAM KI FHEL, SELBI HOSPITAL KE  
SAMEN SHIV MANDIR KE PAS INDORE (MADHYA  
PRADESH)**
- 16. BHAGWANTI BAI S/O RAMCHANDRA, AGED  
ABOUT 58 YEARS, GRAM PANDAV CHOKI, CHOKI  
DANI KE PICHE KHANDWA ROAD (MADHYA  
PRADESH)**
- 17. GIRDHARI LATE THR LRS SHYAM S/O GIRDHARI  
GRAM PIPLYA LOHAR TEHSIL MHOW, DISTT  
INDORE (MADHYA PRADESH)**

18. GIRDHARI LATE THR LRS LATE KANHAIYALAL LATE THR LRS SURAJ S/O KANHAIYALAL GRAM PIPLYA LOHAR TEHSIL MHOW DISTT INDORE (MADHYA PRADESH)
19. GIRDHARI LATE THR LRS LATE KANHAIYALAL LATE THR LRS AKASH S/O LATE KANHAIYALAL JARIYA GRAM PIPLYA LOHAR TEHSIL MHOW DISTT INDORE (MADHYA PRADESH)
20. PANNALAL S/O HARCHANDRA, AGED ABOUT 93 YEARS, GRAM PIPLYA LOHAR TEHSIL MHOW DISTT INDORE (MADHYA PRADESH)
21. M.P. SASAN DWARA COLLECTOR COLLECTOR OFFICE INDORE (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI KOUSTUBH PATHAK - ADVOCATE FOR RESPONDENTS NO.1 TO 4.)

(BY SHRI VISHAL MODIWAL, LEARNED COUNSEL FOR THE RESPONDENTS NO.5 TO 9.)

*This petition coming on for admission this day, the court passed the following:*

**ORDER**

1. Heard.

2. Though notices of this petition have not been served upon respondents No.15, 17 and 18 but from the record, it is seen that they were defendants before the trial Court and have accepted the decree passed by it and have not preferred any appeal against it. In such circumstances, service of notice of this petition upon them is not necessary and considering the nature of dispute service of notice to them is dispensed with.

3. This petition has been preferred by the petitioner who is the appellant before the lower appellate Court against the order dated 15/3/2022 passed in UNCIV 26/2022 by the 5th District Judge, Dr. Ambedkar Nagar, District Indore whereby its prayer for stay of the execution of the judgment and decree passed

by the trial Court has been deferred for consideration on the ground that since there is delay in preferring the appeal, until and unless the same is condoned the application for stay cannot be considered.

4. In this petition, by order dated 20/4/2022 it was directed that the revenue authority shall not pass any final order in the matter. The said order has been continuing for a period of almost two years and the contesting parties namely the plaintiffs who are respondents No.1 to 4 in the present case are already appearing.

5. Thus in the available facts and circumstances of the case, this petition is disposed off by making the order dated 20/4/2022 passed herein absolute to remain in operation till the application of the petitioner under Order 41 Rule 5 of the CPC filed in the appeal preferred by it is considered on its own merits by the lower appellate Court.

6. With the aforesaid, the petition stands disposed off. However this order shall not come in the way of lower appellate Court in deciding the application under Order 41 Rule 5 of the CPC filed by the petitioner on merits.

C.c as per rules.

**(PRANAY VERMA)**  
**JUDGE**

SS/-