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MP-2475-2023

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 18<sup>th</sup> OF SEPTEMBER, 2024MISC. PETITION No. 2475 of 2023*MAHAVEER COAL RESOURCE PRIVATE LIMITED KATNI**Versus**NASEEM AHMED AND OTHERS*

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Appearance:

*Shri Amit Sahni - Advocate for petitioner.*

*Shri Ishteyaq Hussain - Advocate for respondent No.1.*

*Shri A. Usmani - Advocate for respondent No.23.*

.....

ORDER

This miscellaneous petition under Article 227 of Constitution of India has been filed against order dated 07.11.2017 passed by Civil Judge, Class-1, Sihora, District Jabalpur in C.S.No.34-A/2017 and order dated 07.02.2023 passed by Third Additional District Judge, Sihora, District Jabalpur in MCA No.02/2023, by which, an order of temporary injunction was passed against petitioners who are defendants in the suit.

2. It is submitted by counsel for petitioners that subsequent to the impugned injunction order, plaintiff filed an application under Order 6 Rule 17 of CPC, which was rejected by the trial Court. Challenging the said order, plaintiff filed M.P.No.1390/2019 and during the arguments, counsel for plaintiff had given up his challenge to the sale deed executed in favour of petitioners.

3. Accordingly, it is submitted that in view of the change circumstances,



where the plaintiff has given up his challenge to the sale deed executed in favour of petitioners, petition may be disposed of with liberty to petitioners to move an application under Order 39 Rule 4 of CPC for discharging, variation or setting aside the order of temporary injunction.

4. In view of submissions made by counsel for petitioners as well as in view of the fact that the plaintiff has given up his challenge to the sale deed executed in favour of petitioners, this petition is **disposed of** with a liberty to petitioners that if so advised, then they can move an application under Order 39 Rule 4 of CPC. If such an application is filed, the same shall be decided in the light of subsequent events without getting influenced or prejudiced by the impugned orders.

(G. S. AHLUWALIA)  
JUDGE

VB\*