

In the Court of : **SUB-JUDGE-I, BAKHRI, BEGUSARAI**
 Present: **MANOJ KUMAR SINGH, CIVIL JUDGE (Sr. Div.)**
Title Suit No.-26/2021, CIS Reg. No.-26/2021



In the matter of-

Md. Mazur Alam Plaintiff
 Vs.
 Md. Mansoor Alam & Ors. Defendants

BRBE220000272021
 (Scan with eCourt App)

Sl.	Date of Order of proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4
	05.01.26	<p>Both parties are in attendance. Today the record is put up for order after hearing on petition dt.-29.06.2024 filed by the plaintiff under Or.-XXXIX Rule- 1 & 2 of CPC. Show cause notice was served onto the defendants.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>The Ld. Counsel of plaintiffs has submitted through the petition dt.-29.06.2024 that the present suit has been filed by the plaintiff for the partition of the suit land mentioned in schedule-II of the plaint along with for the demarcation of Schedule-II (A) land. The defendants of this present suit namely Md. Mansoor Alam and Akhatari Khatoon have already appeared in this suit and filed their written statements on their behalf on 14.12.2022. In the meanwhile, the plaintiff came to know about the various sale deeds executed by defendants in favour of the appeared different persons so, the plaintiff got the certified copy of the same and added the name of new purchasers in the list of the defendants to this suit court's order but none of the newly added party as defendant appeared in this suit even after publication in newspaper. Once again, this plaintiff has heard about on agreement of new sale deeds with a new person to execute the rest piece of land mentioned in this plaint as suit land. On the other land all the newly added defendants knowingly and deliberately did not appear in this suit but they are bent to dispossess the plaintiff and want to construct the new structure with a view to alienate the figure and map of the suit land. That is why the necessity arose to file the present injunction petition. The prima-facie case of the plaintiff is very clear and evident because, the plaintiff is also a legal heir of Md. Ishaque and the plaintiff has a valid Vasiyatnama too obtained by Hamida Khatoon wife of late Md. Ishaque. Since the property is in joint possession of plaintiff so the balance of convenience leans in</p>	



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	<u>Continued</u> 05.01.26	<p>favour of plaintiff. If the defendants are not restrained to execute new sale deed and construct the new structure over the suit land, the plaintiff will have an irreparable loss which can't be compensated in, term of money and multiplicity of the case will wake up in future. From the above facts and circumstances of the case it is very essential to pass an order of injunction against the defendants. Ld. counsel of plaintiffs made a prayer to allow this injunction petition to stop the probability of multiplicity of the suit as well to alienate the suit land.</p> <p>Ld. counsel on behalf of the defendants has orally opposed the injunction petition of the plaintiffs. Though he has contended that the injunction petition filed by the plaintiff is misconceived and not tenable in the eye of law and facts but <i>he has submitted that the defendants will not be prejudiced if both parties are restrained from alienating the suit land in the subject matter of this suit.</i></p> <p>Heard and perused the record. From perusal of the record, it transpires that the plaintiffs have filed this suit for the partition of the suit land mentioned in schedule-II of the plaint along with for the demarcation of Schedule-II (A) land.</p> <p>Considering the above discussed facts and circumstances of this case the plaintiff's injunction petition dt.-29.06.2024 is hereby <u>ALLOWED</u> and both parties are restrained from alienating the subject matter of the partition in this suit till further order of this court.</p> <p>Put up on for further proceedings.</p> <p style="text-align: right;">(Manoj Kr Singh) Sub-Judge-I, Bakhri, Begusarai.</p>	