

In the Court of : **SUB-JUDGE-I, BAKHRI, BEGUSARAI**
Present: **MANOJ KUMAR SINGH, CIVIL JUDGE (Sr. Div.)**
Title Suit No.-73/2023, CIS Reg. No.- 73/2023



In the matter of-

Radhe Govind Pd. & Ors.

..... Plaintiffs

Vs.

Ranjeet Paswan & Ors.

..... Defendants

BRBE220000872023

Sl.	Date of Order of proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4
	02.02.26	Both parties are in attendance. Today the record is put up for order after hearing on petition dt.-12.11.2024 filed by the plaintiff under Or.-XXXIX Rule- 1 & 2 of CPC. <u>ORDER</u> The Ld. Counsel of plaintiff has submitted through the petition dt.-12.11.2024 that the case of the plaintiffs in brief is that the ancestor of plaintiffs namely Munshi Battulal purchased the land of S.P. no. 1123 under Khata no. 246 area 10 katha 03 Dhur and other land under Tauzi no. 3653 Mauza Ghaghra by Registered Kewala dt. 10.10.1936 from Gogal Paswan the son of recorded tenant Jairam Paswan whereas the malik of Tauzi no. 3653 namely Mahanth Ramsharan Das, disciple of Mahanth Shyamsundar Das, settled the land of S.P. no. 1122 under Khata no. 229 in Tauzi no. 3653 along with other lands under mauza Ghaghra with Ramchandra Prasad and Maheshwar Prasad in the name of their mother Ramdulari Devi widow of Munshi Battulal by registered document dated 10.07.1947. It is submitted that Munshi Battulal since the day of purchase came and remained in possession over the land of S.P. no. 1123 till his death thereafter his two sons came and remained in possession over the land left by Battulal. It is further submitted that Ramchandra Prasad and Maheshwar Prasad came in possession over the land of S.P. no. 1122 along with other lands which was taken by Ramchandra Prasad and Maheshwar Prasad by settlement in the name of their mother. It is submitted that the land of S.P. no. 1122 under Khata no. 229 Mauja- Ghaghra was Bakast land of malik as per Khatian. Further case of plaintiff is that Ramchandra Prasad and Maheshwar Prasad partitioned all the properties around the year 1952-53 including the disputed plots no. 1122 and 1123 and on partition Ramchandra Prasad got an entire land of S.P. no. 1123 and 2 katha 8 Dhurs in S.P. no.1122 and since the day of partition separate possession followed. It is submitted that the land acquisition department for the Project Bakhri-Manjhaul Road acquired the land of S.P. no. 1122 area one decimal and the land of S.P. no. 1123 area 9 decimals in Mauza Ghaghra by L.A. Case no. 32/64-65 and award was made in the name of Radhika Raman Prasad (own brother of Plaintiff no.1) with Award no. 335 and the ceiling case no.-01/1973-74, State Vs Radhe Shyam	

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	<u>Continued</u> 02.02.26	Prasad & others, was also started over lands including the lands of S.P. no. 1122 and 1123 and the lands came in the unit of the five sons of Late Ramchandra Prasad. The plaint filed by the plaintiffs of this suit be treated as part & parcel of this injunction petition as the same are not being repeated herein for the sake of brevity. The defendants after knowing the filing of this suit against the defendants are ready to transfer the land in question by registered instrument so as to create third-party rights/entitlements and are also accumulating construction materials over suit land detailed hereunder in Schedule-I of this injunction petition so as to change the configuration of the suit land. The acts of defendants have made grant of an ad-interim injunction necessary in the present matter, in the absence of which, it may not only lead to further litigation but may also cause further delay in the final disposal of the present suit. The plaintiffs have prima-facie good case and balance of convenience also leans in their favour. If the injunction is not granted then in that case the plaintiffs will suffer irreparable loss which can't be compensated in terms of money. Ld. counsel for the petitioner plaintiff to restrain the defendants from changing the configuration of the suit land and be further pleased to restrain the defendants from executing any document with respect to the suit land and in the meantime notice to show-cause and ad-interim injunction be simultaneously issued against the defendants. Heard and perused the record. A perusal of the record reveals that some of the defendants have not yet appeared. A show-cause notice has been issued for the injunction application, but the show-cause application has not been filed. Although, the appeared defendants have received the copy of petition but even after given ample opportunity they have not filed rejoinder. Eventually they have been debarred from filing rejoinder. It is the court's duty to provide final, genuine, and effective justice to the parties involved in the court proceedings. The all of the defendants are not present to present their case, but the preservation of the suit property is essential for a just and equitable decision. The Hon'ble High Court of Patna, in <i>Dharam Nath Ojha v. Raghunath Ojha</i> [(2001) 2 PLJR 268], held that:	

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	<u>Continued</u> 02.02.26	<i>It is a well-established principle of law that once a suit is admitted for adjudication, it is the court's duty to preserve the subject matter of the suit. That is, to pass the necessary orders to preserve such subject matter so as not to render the decree ineffective. That is, both parties should be restrained from changing the status of the suit land or transferring any part of it until further orders.</i> In the present case, as pleaded by the plaintiff in the suit, if both parties are not restrained in any way, a series of endless litigation is certain to ensue. That is, in the event of a transfer, the final decree of the suit cannot be made effective. Therefore, considering the facts and circumstances of the case, in order to protect the suit property, <i>both parties are ordered to maintain the 'Status Quo' till further order.</i> The office is directed to send a copy of this order to the defendants, at the plaintiff's expense, and issue an order directing them to maintain the status quo on the suit land until they appear before the court and file a show cause notice. Put up on for further proceedings. (Manoj Kr Singh) Sub-Judge-I, Bakhri, Begusarai.	