

District: Bhojpur

In The Court of Sub-Judge I, Piro

Title Suit no. - 33 of 2021

Nandan singh..... **Plaintiff**

Versus

Thakur singh @ manoj singh **Defendant**

Order

19/12/2022 :

There is attendance of the plaintiff.

On call Ld. Counsel for the plaintiff appeared and moved his petition dated 02/02/2022 filed under Order 39 Rule 1 and 2 and section 151 of the C.P.C. Ld. Counsel for the plaintiff submit that Plaintiff and defendant are siblings and Karta of their family. Kailash Singh who was father of plaintiff and defendant have got the property from registered partition dated 08.02.1991. After the death of Kailash Singh, this suit has been filed for partition and the plaintiff has claimed half share in the disputed property. During pendency of the suit the defendant is negotiating for sale of the valuable part of the disputed property and taking loan in respect of it. The defendant also wants to change the nature of the property. The plaintiff will suffer irritable loss. Prima-facie case and balance of convenience is in favour the plaintiff. There should be no change in the physical form of the disputed land. Durin the pendency of suit the defendant has sold some part of the disputed property. So temporary injunction to restrain the defendant is necessary.

Heard and perused the record. After perusal of the same this court finds that this suit has been filed for partition. The plaintiff has claimed half share in the disputed property. The defendant has received summon and registered summon issued by the court but the defendant did not appeared. Vide order dt.16.08.22 order for ex- party proceeding against the defendant has been passed. Show-cause notice of the injunction petition dt.02.02.22 has been also issued on 14.02.22. But the defendant did not file reply or rejoinder of the petition. The plaintiff has filed copy of the sale deed no.5620 dt.11.11.22 executed by the defendant in respect of the part of the disputed property. The plaintiff has filed this suit for partition on the property. In such

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circumstances this court finds prima-facie case and balance of convenience in favour of the plaintiff. The plaintiff would have to suffer irreparable loss. The injunction is also necessary in the interest of justice to restrain the multiplicity of the suit and to avoid the multiple petition and unnecessary delay in disposal of the suit. Therefore, petition dt. 02/02.2022 filed under Order 39 Rule 1 and 2 and section 151 of the C.P.C. is ordered to be allowed.

Put up on.....for plaintiff's evidence.

(Aditi Gupta)
Sub Judge I
Civil Court Piro