

District: Bhojpur

**In The Court of Sub-Judge I, Piro.**

**Title Suit no. -186 of 2021**

**Order**

03/10/2023: There is attendance of the plaintiff and defendant through their Ld. Counsel. Case is pending for hearing on petition dt.13-07-2022 and its rejoinder dt. 19-10-2022 and petition dt. 26-07-2023 and rejoinder dt. 10-08-2023.

On call Ld. Counsel for the plaintiff and defendants appeared. Ld. Counsel for the plaintiff appeared and moved his petition dated 13-07-2022 and 26-07-2023 filled under Order 39 Rule 1 and 2 and section 151 of the C.P.C. Ld. Counsel for the plaintiff submit that the plaintiff has filled suit to declare sale deed no 1884 dt. 17-04-2021 as mentioned in scheduel K of the plaint to be illegal and void and for injunction to restrain the defendant from interference to the disputed property. R.S. khatiya of the disputed property has been prepared in name of the plaintiff's father namly Raghuwansh singh. Plaintiff is the only heir of his father Raghuwansh Singh. On 06-07-2022 the defendant started filling soil with tractor for construction work. Prima facie case and balance of convenience is in favour of the plaintiff. The plaintiff will have to suffer irreparable loss. Ld. Counsel for the defendant opposed the petition and submit that it is not true that the plaintiff is not only heir of Raghuwansh singh as claimed by the plaintiff. At serial no. 334 of electorl roll name of Manoj Singh s/o Raghuwansh Singh has been mentioned. Plaintiff is son of Gulabchand Singh. Raghuwansh Singh died issueless. After death of raghuwansh singh defendant no 1 has purchased the disputed land from Gulabchand and came into possession. Mutation of the disputed land has been done in name of the defendant no 1. Prima facie case and balance of convenience is not in favour of the plaintiff. The entire statement of the plaintiff is baseless and fabricated. The plaintiff has filled the petition only who linger the case.

Heard ld. Counsel for both partis and perused the record. After perusal of the same this court finds that the plaintiff has filled suit to declare sale deed no 1884 dt. 17-04-2021 as mentioned in scheduel K of the plaint to be illegal and void and for injunction to restrain the defendant from interference to the disputed property. This court prima-facie finds that it is addmitted fact that the disputed property belongs to Raghuwansh Singh. And Raghuwansh singh died issueless. Though the plaintiff claims to be son of Raghuwansh Singh. At serial no. 334 of electorl roll name of Manoj Singh s/o Raghuwansh Singh, at serial no. 347 of electorl roll name of Satish Kumar s/o Raghuwansh Singh, at serial no. 348 of electorl roll name of Mantu Kumar s/o Gulabchand Singh have been mentioned. The Plaintiff has filled an affidavit that Mantu Kumar s/o-Gulabchand Singh and Satish Kumar s/o- Raghuwansh Singh as mentoined in electrol roll is the same person,the plaintiff himself. The plaintiff claims to be adopted son of Raghuwansh Singh. Gulabchand Singh who is brother of

Raghuwansh Singh and biological father of the plaintiff, has sold the disputed property to the defendant no 1. In such circumstances this court does not find prima-facie case and balance of convenience in favour of the plaintiff. Therefore, petition dt. 13-07-2022 filed under Order 39 Rule 1 and 2 and section 151 of the C.P.C. is ordered to be rejected.

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

**( Aditi Gupta)**  
**Sub Judge I**  
**Civil Court Piro**