

IN THE COURT OF SUB JUDGE-II
DUMRAON- BUXAR
ORDER
F.D.01/2022

SL. NO.	Date of Order or Proceeding	Order with the Signature of the Court	Office action taken with date
1	2	3	4
	25/02/2022	Heard both parties. Perused record. Learned Counsel of plaintiff moves and press injunction petition dt. 15/01/2022 and prays that injunction petition may be allowed as defendants have started construction activity and are changing the nature of suit property to defendants may be restrained to carry out any construction activity at the disputed suit property. Learned Counsel makes following submissions:- (a) that this final decree suit is filed in the light of Judgment and decree in Appeal 61/1994 passed in the court of Hon'ble A.D.J V, Buxar. (b) that defendants are carrying out construction activity in total violation of judgment and decree passed of Hon'ble A.D.J. V, Buxar in plot no 3086, 3091 & 3092 and this in causing great mental stress and economical Loss and they have also blocked entrance & exit path of plaintiff (c) that it is necessary to restrain the defendant no. 1 to 5 so as to maintain peace at the disputed suit property. (d) that the prima facie case and balance of convenience lies in favour of plaintiff for the purpose of injunction and an irreparable Loss would be caused if defendants are not restrained. (e) that in appeal no. 61/1994 also an injunction Order was passed and Hon'ble Court has extended that injunction Order on 20/05/1996 on an undertaking of defendants. Learned Counsel of defendants Vehemently opposed the arguments of Learned advocate of plaintiffs and made following submissions.	

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(i) that the injunction petition is not maintainable and fit to be rejected.

(ii) that the injunction petition is premature as names of all the substituted heirs are still not incorporated in decree and hence a premature injunction petition is Liable to be summarily dismissed.

(iii) that no new construction activity is being under taken hence on the ground of false submissions this petition may be rejected.

(iv) that no path is blocked and the statements made by plaintiffs are false.

(v) Learned Counsel of defendants father state that this application is made by Only one of plaintiff and the petitioner Can not seen relief on behalf of all the plaintiff hence this petition may be rejected.

On perusal of record it transpires that judgment and decree in Appeal 61/1994 are placed on record and there is no denial of the fact that the petitioner is also are of the members of the parties to the suit.

That the injunction order dt. 20/05/1996 is also placed on record and in the order defendant- respondent has undertake not to make further Construction.

Further a certified Copy of Decree in appeal in T.A 61/1994 has been filed that signifies that petitioner Abdullah Ansari has been placed as defendant 3f in T.A 61/1994.

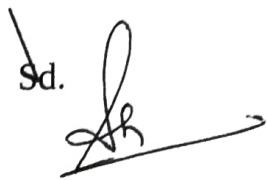
On the basis of above mentioned arguments perusal of record and the observations made the court of the opinion that a prima facie case is made out and balance of convenience lies in favour of plaintiff and any new Construction activity would cause irreparable loss to plaintiff hence the defendants

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are restrained from carrying out any new construction activity at disputed suit property for a period of 15 (fifteen) days.

In the light of above order the injunction petition is disposed.

Sd. 

SJ-II
Sub Divisional Court,
Dumraon (Buxar)