

**IN THE COURT OF CIVIL JUDGE (SD), GOGARI, KHAGARIA
PRESIDED BY SH. SUMIT KUMAR SINGH
TITLE SUIT NO. 48 OF 2020**

IN THE MATTER OF:

SANJEEV JAISWAL & ORS.

...PLAINTIFFS

VERSUS

LAL KUMAR CHAUDHARY & ORS.

...DEFENDANTS

(ORDER ON INJUNCTION APPLICATION DATED 19.04.2022)

**ORDER
25.01.2024**

Matter was fixed for hearing on injunction application dated 19.04.2022 filed by the plaintiff.

It was contended by the plaintiffs that the land in question was partitioned between the Munilal Chaudhary and Benilal Chaudhary. In the said partition Munilal was allotted half share western side and Benilal was allotted from eastern side. The land remained in possession of plaintiffs for a long period of time. However, the defendant 1st party have obtained a mutation order in their favor and then applied to the revenue authorities for recovery of possession. By force the Administrative Officer and the Police have dispossessed the plaintiffs from the suit land on

23.01.2019 and then the defendant 1st party have got their possession over the suit land.

It was now claimed that the defendant 1st party is willing to alienate the suit land and is in active connivance to sale the suit land. It was thus contended that if the defendants, sales the suit land, the purpose of suit will be frustrated. Hence, it was claimed that the defendants may be restrained from sale of the suit land.

On the other hand, defendant 1st party have contended that the land was already partitioned and the suit land was always in possession of the defendant 1st party. The revenue authorities have not dispossessed the plaintiffs, but the land in possession of defendant 1st party was merely confirmed by the process of law. The defendants have got their house over the suit land since long period of time and they have no intention to sale the same. They are residing in the house and there is no likelihood of sale. Hence, prayer was made to reject the present application.

Defendant 2nd party have supported the claim of defendant 1st party.

Heard Id. Counsel for the parties and perused the record. The applicant/plaintiffs have not produced anything on record to show

the manner of partition. There is nothing on record to prove that the defendant 1st party is looking for a chance to sale the suit land. There is also nothing on record to show that they were in lawful possession of the suit land for any moment. At the same time there is nothing on record to show that the plaintiffs were ever in possession prior to the alleged date of dispossession. As such there is nothing on record to make out any case for grant of injunction. Thus, the plaintiffs have failed to make out a prima-facie case in their favor. There is no immediate threat of land being wasted or the plaintiffs being dispossessed from it. Hence, no case is made out for grant of injunction to the plaintiffs. Hence, the present application is hereby rejected.

Order 10 Rule 1 & 2 and section 89 CPC has been complied by examining the parties and their pleaders and this Court finds that there is no chance of compromise between the parties. Hence, the matter is proceeded further.

Parties to file their documents before the next date of hearing.
List on 04.03.2024.

Civil Judge (SD)

