

COURT OF CIVIL JUDGE (Senior Division)
Barsoi, Katihar
Title Suit No. 02/2015(B)

Mahesh Kumar Bhagat.....Plaintiff.

Vrs.

Kailash Bhagat & OthersDefendants.

Date of Order of Proceeding	Order with the Signature of the Court	Office action taken with date
17.04.2025	<p style="text-align: center;">Attendance has been filed on behalf of plaintiff & defendant through their Ld. Counsel. The case has been posted for order after hearing the Ld. Counsels of both sides on petition dated 21.11.2024 filed by the plaintiff u/o XXXIX Rule 1& 2 and Section 151 of C.P.C. to which rejoinder dated 05.12.2024 has been filed by the defendant.</p> <p style="text-align: center;">The case of the plaintiff in short is that plaintiff has filed the present suit u/s 22 of Hindu Succession Act seeking relief to direct the defendant to execute sale deed of the suit property after taking consideration from the plaintiff. The present petition has been filed stating that the defendants are gathering building material over the suit land and want to construct wall and building on the suit property and they be restrained from doing any construction on the suit land.</p> <p style="text-align: center;">The case of the defendant is that the plaintiff presently admits the title and possession of defendant over the suit land and plaintiff has got all right to do any construction on the suit</p>	

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land, if plaintiff succeeds in the suit he would be entitled to the whole of suit land along with construction and that in no way causes any irreparable loss to the plaintiff, rather the balance of convenient is presently in favour of the defendant and prima facie case is also that of the defendant to do any construction on his property of title and possession. Further plaintiff has also sold portion of his allotted share in the suit holding bearing khata No. 72 besides other lands stated in different Mauza through several sale-deeds on basis of family partition and is now trying to disturb peaceful enjoyment of the suit property to the title holder that is the defendant.

In the light of above facts the Injunction petition is rejected. Put the record for first hearing u/s 89 C.P.C. on 17.04.2025.

Dictated

Civil Judge (Sr. Div.)

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