

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV, SAHARSA

Civil Miscellaneous Appeal No. 03/2022
Shashi Kumar Singh and Others Appellant
versus
Chautelal Ram and Others

Order

03.07.2026

1. The present Miscellaneous appeal has been filed against the **impugned/injunction order dated 06.05.2022** passed by Ld. Sub-Judge IV, Saharsa in Title Suit No. 513/2018, by which, Ld. Sub-Judge has restrained and enjoined both the parties or their legal representatives from making any construction or changing the physical form of property in question or entering into transfer of the property and thereby directed to maintain the status qua of the property.

2. The appellants/defendants have filed the present miscellaneous appeal against the injunction order on the grounds inter-alia that Khatiyani raiyat Hitay Chamar has sold the property in question to Babu Narayan Dayal Singh through registered sale deed dated 30.09.1924 and since the appellants are in peaceful possession over the property in question. It has further been stated in the present appeal that said Babu Narayan Dayal Singh and his co-sharer sold the property in question partly to Smt. Nunuwati Kumari while Sale Deed dated 19.03.1951 and partly to Smt. Gulabwati Devi and Yashodawati Kumari through another Sale Deed and therefore the name of Gulabwati Kumari, Yashodawati Kumari and Nunuwati Kumari got mutated in the land records and the appellant are their descendents.

3. Heard Ld. Counsel for the appellants and Ld. Counsel for the O.P.

4. On perusal of impugned order it seems that Ld. Sub-judge has passed the impugned order directing to maintain the status qua for the purpose of **preventing multiplicity of litigation** and both parties have been enjoined and the injunction is not against any single party. Apart from that the Ld. Sub-judge has also held that there are certain documents, which needs to be

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proven and along with certain facts during trial and at this stage, it would be better if both the parties are enjoined from creating any third party interest or change the physical form of the property and therefore Ld. Trial Court ordered for status qua.

5. This court finds that the when the suit is at primary stage and certain facts and documents are still to be proven, the Ld. Sub-judge has rightly passed the impugned order for maintain the status qua against both the parties for the purpose of preventing multiplicity of litigations and therefore in the light of above discussion this court finds no infirmity in the impugned order and hence the present miscellaneous appeal is dismissed.

Dictated

Sd/-

Avinash Kumar-I

Dist. & Addl. Sessions Judge-IV
Saharsa