

In The Court of Sub Judge-I, Sub Divisional Court, Sonapur at Saran

P.S.- 32/2020

Date	Order
21/03/2025	Pairavi of both sides filed. Heard both sides on point of injunction petition dated 05/01/2021 filed by plaintiff. Petitioner plaintiff submitted that prima facia case and balance of convenience is made out in his favour and if injunction is not granted in plaintiff favour then plaintiff would suffered irreparable loss. Further plaintiff submitted that plaint shall be treated as the part of instant petition. Plaintiff has filed this partition suit to get $\frac{1}{8}$ th share in schedule-I land by way of appointing any survey commissioner. That defendants are litigant persons, and they forcefully try to change nature of the suit land by way of making construction over it or some other ways. Other side opposed the petition and submitted that the petition as file is not maintainable, either in eye of law or on point of fact, hence it shall be rejected. Heard both sides and perused case record. On perusal it transpires that plaintiff father name was Basdeo Singh. Whose wife name was Kauleshwar Devi. That Plaintiff and defendant first party was belonging to the same branch of family. That Basdeo Singh died leaving behind four sons namely plaintiff No.1 Vijay Singh, plaintiff No. 2 namely Balram Singh, defendant No.1 namely Krishna Singh and fourth son namely Jairam Singh who left his house and became saint and never returned to his house. So he shall be treated as civil death. That except four sons Basdeo Singh have also daughters namely Lalita Devi, Kavita Kunwar, Sarita Devi, Bachhi Devi and Kamini Devi. That khata No. 299 and 298 and Khesra No. 535 and 536 jointly, area 02 Kattha 05 Dhur was purchased in the name of Kaleshwari Devi, W/o Basdeo Singh through sale deed dated 03/03/1943 and area 01 Kattha 03 Dhur land which was got by way of exchange is also part of the aforesaid land. That plaintiff and defendant first party jointly in possession on the aforesaid land. That disputed land was mentioned in schedule-I of the plaint. That presently defendant second party was in collusion with defendant first party, who are muscles and powerful persons. That defendant 1st party try to grab plaintiff's property by selling it to the defendant second party. Other side defendant submitted that disputed land bearing Khata No. 298, 299 was entered in the name of Ghinawan Singh

Contd.
21/03/25

and Widow Devaki Kunwar. Later on branch of Devaki Kunwar was finished. That Ghinawan Singh died leaving four sons namely Shubh Narayan Singh, Raghunath Singh, Rameshwar Singh and Yamuna Singh. Later on Raghunath Singh and Yamuna Singh have given his share in favour of plaintiff's father namely Basdeo Singh. Then after Basdeo Singh has executed gift deed dated 10/08/1988 in favour of his daughter namely Kamini Devi and daughter in law namely Urmila Devi and gave them possession on 02 Kattha 03 Dhur. Later Kamini Devi executed sale deed dated 10/03/2014 of 12 Dhur 10 Dhurki land in favour of Shushila Devi who is defendant No. 10. Again, Kamini Devi had executed a sale deed 10/03/2014 of 09 Dhur land in favour of Baby Devi who is defendant No. 09. Then after Shushila Devi sold 05 Dhur 02 Dhurki land through a sale deed dated 09/01/2021 in favour of Rina Devi Defendant No. 13. In the same manner Baby Devi also sold 09 Dhur land to Rina Devi Defendant No. 13 through sale deed dated 09/01/2021. Later on Rameshwar Singh son of khatiyani raiyyat has sold 07 Dhur 07 Dhurki land from Khata no. 298 survey no. 535 and 06 Dhur 15 Dhuraki land from Khata no. 299 survey no. 536 in favour of Sunder Kunwar through sale deed dated 29/01/1944 and gave them possession. Later on Rina Singh has purchased aforementioned land from Vindhychal Singh and Udaishankar Singh, both sons of Sunder Kunwar, through sale deed dated 14/08/2020

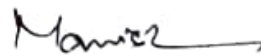
After hearing both sides and perusal of record finds that plaintiff and defendant first party are belongs to the family of same branch. Plaintiff submitted that disputed land was purchased in the name of Kauleshwari Devi, W/o- Basudev Singh. As plaintiff submitted that Khata No. 299 and 298 and Khesra no. 535 and 536 jointly, area 02 Kattha 05 Dhur was purchased in the name of Kaleshwari Devi, W/o Basdeo Singh through sale deed dated 03/03/1943 and area 01 Kattha 03 Dhur land which was got by way of exchange is also part of the aforesaid land. Plaintiff also filed a copy of both deed in support of his statement. On the other hand defendant stated that Basudev Singh had got share of Raghunath Singh and Yamuna Singh, Khatiyani raiyat. But they failed to mentioned mode of transaction by which share of Raghunath Singh and Yamuna Singh was transferred in the name of Basudev Singh. In such circumstances Basudev Singh has executed gift deed in favour of his daughter in law and daughter aforementioned. Hence the legality of gift deed also yet to be decided. Advocate commissioner report is also on the record with some photographs on perusal transpires that new construction in

P.S. 32/2020

Contol-
21/03/25

made on the disputed land and also disputed land was frequently transfer through mode of sale deed.

Hence Considering above facts and circumstances prima facia case is made out in favour of plaintiff also irreparable loss caused to plaintiff if injunction is not granted and balance of convenience is also in favour of plaintiff. Hence both parties are directed to maintain status quo till further order of the court and accordingly petition is hereby disposed.



Manish Kumar
Sub Judge-I

Contol. Next date is 22/04/25 for further proceeding

22/04/25. Pairani of both sides filed. ⁵³ Next date for 89 c/o 2. Next date is 29/04/25.

29/04/25. Pairani of both sides filed, ⁵³ Both parties submitted that no possibility of Mediation or compromise between parties. Hence issue is framed. Next date : ——— for P.W.


S.D.