

In The Court of Sub Judge-I
Sub Division Court, Sonapur (Saran)
Title suit. 253/2023

Sweta Kumar & others
vs
Anil Kumar Singh & others.

27/11/25 Pairs of both sides filed. Heard
on petition dated 01/07/25 filed by
plaintiffs under Order XXXIX Rule
1 & 2 R/w under section 151 of CPC.

Plaintiffs filed suit for declaration
of title of schedule-I land, which is
the purchased land of plaintiffs
through registered sale deed dated
19/01/2016. and to demarcate the
suit land by fixing permanent pillars
by appointment of SPC. That def.
first party appeared in this suit
but did not file rejoinder within
in time, hence they are debarred to
file rejoinder. In this suit, plaintiffs
adduced two witnesses and also
SPC is appointed for measurement
of suit land. That Survey knowing
Pleader Commissioner (SPC) measured land
in the presence of defendant and his son,
but at that time, defendant has
not opposed or file objection. After

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(2)

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measurement of land, pillar is affixed around the plaintiff land and plaintiff came into right title & possession.

That defendant's eagle eye on the suit land and plaintiff ~~aff~~ often out side of village, hence defendant try to forcibly ~~dispossessed~~ dispossessed plaintiff. Hence plaintiff required to file injunction petition to restrain defendant to do illegal act.

Other side defendant first party appear and filed show cause and written statement also.

Heard and perused record.

On perusal it transpires that disputed land mentioned in schedule-1 of the plaint. Disputed land bearing khata no. 302 khasra no. 25 & 26 area 03 katta is shown. Plaintiff stated in plaint that he purchased the disputed land mentioned in schedule-1 through a registered sale deed on dated 13/01/2016 by ~~khata~~ legal heir's of ~~khata~~ vadyat namely

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(3)

Contd. Bhuneshwar Pd. Singh. That mutation of the land is done and plaintiff paying rent on it and also land possession certificate (LPC) is in the name of plaintiff. Also SUPC is appointed and disputed land is measured & appraised by p.m.a. and plaintiff is in peaceful possession. But on the other side defendant submitted in written statement that he is the purchaser of the disputed land, through registered sale deed prior to the sale deed of plaintiff. That defendant purchased the ~~sale deed~~ disputed land on dated 25/07/15 prior to the sale deed of plaintiff. That it is pertinent to mention here that vendor of plaintiff and defendant is same i.e. Bhuneshwar Pd. Singh. Hence it is clear that plaintiff and defendant both purchased the same disputed land from the same vendor. But defendant's sale deed is earlier, and also unchallenged sale deed.

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Further dependant @ submitted that khatra no 303 khesra 25 & 26 total area is 2 bigha 14 katta 12 dhur. entered in the name of Thumol Singh, khatiyani Raiyat in khatiyani. That legal heirs of khatiyani raiyat namely Bhuneshwar Pal. Singh had sold his entire share of area 03 khatte to dependant and accordingly dependant came into possession of land.

Considering above facts and circumstances & I find that prima facie case is not made out in favour of plaintiff, also balance of convenience is in favour of dependant and if injunction not granted, then plaintiff will not suffer any irreparable loss. Hence petition is hereby rejected & dismissed. Next date is _____

for further proceeding

Mamish L
Sub Judge.
27/11/2023

Sonapur. Sub Division