

In The Court of Sub Judge-1 ①
Sonapur (Savarny).
P.S. 01/2025.

~~Case~~ Jagdish Sah V Satya Narayan Sah

14/10/25 Paimani of both sides filed. Heard
on petition dated 28/05/25 filed under
order xxxix Rule 122 of C.P.C by the
plaintiffs. That plaintiffs has filed the
instant partition suit for partition
of his ancestral land. That depen-
dant appear in this suit and also
filed their w.s. That defendant No.1
try to change nature of land.
That plaintiffs has briefly stated in
about the disputed land in his
plaint. That plaintiffs of the suit
residing out side for winning of
breed and defendant No.1 take
advantage of a plaintiffs absence
and he try to change nature of
land. That if the defendant able
to change nature of land then
then it creat hurdles in disposal
Court

P.S. 01/15

(3)

P.S. 01/25

(2)

Contd.
14/10/25

of partition suit. Hence plaintiff prayed to prevent defendant by way of injunction.

Other side filed rejoinder and opposed petition. That plaintiff has no right to file a suit because partition has already ~~been~~ been taken between both parties. That both parties are in possession on their respective share and living on their plot by constructing pucca house on it. That defendant has clearly mentioned in his W.S. that when ancestral land/plots is in possession of ~~which~~ plaintiff and defendant. and on which plots both parties house is constructed. That on perusal of W.S. it transpires that both plaintiff and defendant are in possession of their respective share and they make permanent structure

Contd.

P.S. 01/25

③

Contd. house on which their family are
14/10/25 residing.

Heard both sides, On perusal of record it transpires that ~~se~~ several ~~plots~~ plots are in the dispute and plaintiffs and defendants are own brothers, Plaintiffs stated that defendant try to change nature of land by various means.

~~so~~ That defendant some time make huts, some times do some thing on disputed land ~~with~~ which

Cause a change nature of suit land. As there is various plots in dispute, but plaintiffs not stated on which plots defendant try to change nature of land. There is no ~~a~~ report regarding status of land. There is no any evidence adduced by the plaintiffs regarding construction ~~a~~ on the suit land. Contd.

P.S. 01/25

(4)

Contd.
14/10/25

That the property in question is ancestral and undivided. Until a partition takes place, each coparcener has an undivided interest in every inch of joint property. Hence prima facie the suit is in favour of both parties. As defendant stated that both plaintiff & defendants are in possession of their respective share and both of the parties constructing pucca house on their respective share and residing on it with their family. Hence considering the facts balance of convenience is in favour of ~~plain~~ defendant and also no irreparable loss to the plaintiff. Hence considering facts & circumstances injunction petition hereby by rejected. Not date
15 _____ for further proceeding
Manish Kumar