

In the Court of Sukul Ram, Sub-Judge-I Cum ACJM, Narkatiaganj

Final Decree No. 03/2017

**Bibi Kashima & Others.....Decree Holders
V/S**

Most. Nayima Khatoon & Others.....Judgment Debtors

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
17.01.2026	Both parties file their attendances. A petition dated 27.11.2024 has been filed on behalf of the Decree Holder under order 39 rule 01 & 02 and under section 151 of C.P.C. which so cause has been filed on behalf on defendant no. 2 on 11-12-2024. The record today fixed for order on petition of the plaintiff dated 27.11.2024 under order 39 rule 01 & 02 and under section 151 of C.P.C. Learned counsel of the Decree Holders prayed that the present final decree proceeding is filed to prepare final decree in pursuance to decree dated 20-12-2016 passed in partition suit no. 78/1995. By the said decree 63/320 share of the decree holder is declared by the court. The judgment debtors have appeared and filed their objection in the present case. Judgment debtors are veteran, litigant, shrewd and designing person. They are making plan to deprive the due share of decree holders in valuable suit property and for this they have made plan to alienation the valuable suit property in favour of the men of their confidence and they have been forced negotiating for alienation of the suit property. Judgment debtors are not entitled to make any alienation of the suit property during pendency of the present case. Having learnt about the evil design of judgment debtors your humble decree holders repeatedly requested them not to make alienation of the suit property but they are not amenable to reason and hence the present petition is	

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Continue 17.01.2026	necessitated. Under the facts and circumstances stated above it is clear that decree holders have a good prima facie case and balance of convenience lies in their favour. Alienation of the suit property is required to be restrained by the court of justice by issuing a rule of ad-interim injunction and if the judgment debtors are not restrained from making alienation of the suit property by issuing ad-interim injunction against them your humble decree holders shall be put in serious, heavy and irreparable loss, injury and great prejudice. It is therefore prayed that be pleased to restrain the judgment debtors from making alienation of the suit land by issuing a rule of ad-interim injunction against them till disposal of present final decree proceeding. A show-cause has been filed by the defendant no.2 on dated 11-12-2024 and stated that the petition under reference is not maintainable either in law or on facts. In petition, the Plaintiffs have filed the wrong and false averment that defendants are plaintiff to alienate the valuable suit property. Infact, this case is being filed for final decree for the preliminary decree passed in P.S. No. 78/1995 where is has been decreed that plaintiffs are entitled only for 63/320 share. This humble defendant no. 2 has got share in suit property for which he has already a petition dated 25-01-2021 for carving out his 3/8 (120/320) share in the partition claimed suit land and accordingly the other defendant have also got interest as per their share. Still the suit land is in joint without partition by metes and boundant the	
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