

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

Title Suit No. 53/2016

Most. Rama Devi & Others.....Plaintiff
V/S

Raju Kumar Jaiswal & others.....Defendants

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
Later on 01.04.2026	Both parties filed their attendances. A petition has been filed on behalf of the defendant no. 1 under order 39 rule 01(2) of CPC on 18-03-2026 which rejoinder has not been filed on behalf of the plaintiff and no objection has been written on the petition. B/C is directed to put up the record for order. Learned counsel of the defendant no.1 prayed in his petition dated 18-03-2026 under order 39 rule 01(2) of CPC that the present case is running in evidence on behalf of defendants. Earlier, after giving sufficient opportunity to plaintiff for giving evidence and when they not produce any witness the case was fixed for evidence of defendant where the defendant is giving evidence but in the meantime instead of facing trial of this case the plaintiffs are constantly in search of purchaser to sale the suit land to land mafia and the local goons by which the defendant is highly apprehensive that he will be dispossess from that suit land by plaintiff or their men. The defendant no. 1 is the valid owner of the suit land being the purchaser from its real owner, the defendant no. 2 namely, Mahadev Prasad vide sale deed dated 04-08-2014 and since then the defendant no.1 is coming on possession over it as rightful owner with title. Earlier, the suit land belonged to Thag Sah, S/O Budhu Sah. Thag Sah died on 05-02-59 and his wife Janki Devi died on 07-01-62 who both left one son Asharfi Sah and five daughters namely Indarasi Devi, Mantura Devi, Bhola Devi, Babuni Devi and Godavri Devi. The defendant no. 2, Mahadeo Pd. Was son of Mantoora Devi. The suit land beside other more land recorded in name of Budhu Sah, S/O Jhakar Sah to the extent of 2 share and Mahavir and Raghubir Sah son of Munni Sah having one share as recorded in R.S. Khatiyani. And, later on, in family arrangement Thag Sah, S/O Budhu Sah got the suit land with other	

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Continue 01.04.2026	more land in share over which he continued in possession. And after his death the suit land came in share of his daughter Mantura Devi and thereafter in family arrangement this land came in share of her son Mahadev Pd. (defendant no. 2) who sold the suit land to defendant no.1 vide sale deed dated 04-08-2014 and a J.B. No. 644 has also been made in his name and he is coming in possession over it as rightful owner. And thus, the plaintiffs or any other persons have got no any right to make interference in possession of defendant no.1 over suit land. And also, the plaintiffs have got no right to make any transfer deed with respect of suit land. If the plaintiffs and other defendants succeed in executing any transfer deed with respect of suit land, then defendant no. 1 will have irreparable loss and hardship and also it will cause multiplicity of the suit. It is therefore, prayed that be pleased to restrain the plaintiffs and defendants to execute any transfer deed with respect of suit land till disposal of the suit in the interest of justice. On the other hand no objection has been written by the Ld. Counsel of the plaintiff on petition of the defendant no. 1 dated 18.03.2026 on 01.04.2026. Heard both parties and perused the record. From perusal of the record it transpires that a petition has been filed on behalf of the defendant no. 01 under order 39 rule 01(2) of CPC on 18.03.2026 and prayed that the case was fixed for evidence of defendant where the defendant is giving evidence but in the meantime instead of facing trial of this case the plaintiffs are constantly in search of purchaser to sale the suit land to land mafia and the local goons by which the defendant is highly apprehensive that he will be dispossess from that suit land by plaintiffs or their men. If the plaintiffs and other defendants succeed in executing any	
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