

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

Title Suit No. 90/2025

Yasmin Aara.....Plaintiff

V/S

Nasir Ahsan & others.....Defendants

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
11.02.2026	<p>Both parties filed their attendances. A petition has been filed on behalf of the plaintiff under order 39 rule 01 and section 151 of C.P.C on 14.05.2025 which rejoinder has been filed on behalf of defendant no.1 & 2 on 13.10.2025. The record today fixed for order on petition of the plaintiff dated 14.05.2025.</p> <p>Learned counsel of the plaintiff prayed that the plaintiff has filed the suit for declaration of her right, title and possession over suit land detailed in schedule no. 2 of the plaint. The suit land consist of the land of two plot nos. 436 and 292 where there is 10 dhur land of plot no. 436 and 3 katha 18 land of plot no. 292 which she has acquired through a registered sale deed dt. 28.9.2019. executed by defendant no. 3 over which she is coming in possession as rightful owner with full title. Out of the above said suit lands the land of suit plot no. 436 having the area 10 dhur is gharari land where in the same plot no. 436 towards north there was 1 katha 10 dhur land of defendant no. 1 who sold this land to defendant no. 2 through a registered sale deed dt. 20.9.2019. over which the defendant no. 2 has his possession. Defendant no. 2 in collusion with defendant no. 1 got started construction of house over his northern 1 katha 10 dhur land for which the plaintiff had got no objection but they stealthy started</p>	

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is in possession, he will continue to be in possession until he is evicted by the court through legal proceedings. Hence, no order of temporary injunction can be passed against defendant no. 01. Some rulings have been mentioned in the rejoinder. Therefore, the reply of defendant no.1 and 2 may be accepted and petition of the plaintiff may be rejected.

Heard both parties and perused the suit record. On perusal of the same it transpires that the plaintiff has filed her suit on 01.05.2025 for declaration of her right, title and possession over suit land. She also filed two petitions on 14.05.2025 under order 39 rule 1 and section 151 C.P.C and order 26 rule 9 C.P.C. On 21.05.2025 order was passed for the petition under order 26 rule 9 C.P.C and Shri Dhiraj Kumar learned Advocate was appointed as Advocate Commissioner. He has inspected the disputed land and submitted his report and photographs on 28.05.2025. He has stated in his report that construction work is going on 2 dhur land of plot no. 436 in north side of the plot. About 6 feet wall was arisen around all four sides, 11 pillar and 6 beams. In North, soil has been filled up. About 10-12 trailer new soil has been kept and in north bricks have also kept. Having considered the above facts, circumstances and report of advocate commissioner the court found that the construction work was going on over the suit land and so, defendants were ordered that to maintain status quo

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