

IN THE COURT OF MUNSIF SADAR, SITAMARHI

TITLE SUIT NO. 22/2016

Ugradev Jha Vs. Rana Randhir Singh Chauhan

Date	Order with initials of the P.O	Remarks
06.03.24	Attendance has been filed on behalf of both the parties. Today the record is fixed for order on the petition dated 10-03-2022 filed (without an affidavit) by the plaintiff Ugradev Jha. The petitioner plaintiff contended that the defendant has encroached his land (i.e. the backward area of this house) measuring 3 ft x 112 ft in the survey plot no. 744. He stated that he had purchased this plot 38 years ago and has built a house and residing since then. He further stated that the defendant and his wife are politically well connected and so misusing their powers, in collusion of the police, they have breached the orders imposing section 144 crpc and built a wall on the disputed land. He also stated that the defendant cut and took away his water pipes and chajja resulting which they are facing trouble. He further stated that the SKPC appointed by the court had given false report in collusion of the plaintiff and no action was taken even when the false report was brought in the notice of the court. Lastly, the plaintiff prayed for a direction by this court to the Commissioner, Nagar Nigam, Sitamarhi to take steps for measuring and demarcating the disputed land in Khesra no. 744 in the presence of the police since there is a chance of law and order disturbance. The defendant vide their rejoinder dated 10.04.23 stated that the petition is legally not maintainable and is fit to be rejected. He stated that the prayer by the plaintiff is of such a nature that it is tantamount to execution of a decree of recovery of possession which has not been passed by this court. He further stated that the report by the SKPC dated 21.08.18 in this case is correct and scientifically prepared and a petition by the plaintiff objecting the report of the SKPC and stating similar contentions against the defendant was decided by this court after discussing the issue at length. He further stated that a measurement case no. 65/2015-16 was filed by the plaintiff before the CO, Dumra and after the measurement report of the concerned Anchal Amin the case was disposed off by the CO on 24.05.18. Lastly, the defendant prays for an order to reject the present petition filed by the plaintiffs. Heard both the parties and perused the case record. On hearing and perusal it transpires that this record is presently pending on the stage of defendant evidence. It is evident that this court vide its order dated 07.01.19 had then rejected the petition of the plaintiff to set aside the report of the SKPC and had ordered that any objection by the plaintiff can be recorded during the cross examination of the SKPC. Therefore, as far as the objection of the plaintiff with respect to the report of the SKPC is concerned, this court has already settled the matter vide its order dated 07.01.19. Furthermore, the plaintiff has prayed for a relief which is congruent to a relief of injunction but he has not satisfied the court with the essentials as how he has a prima facie case and that the balance of convenience tilts in his favour and that he may suffer irreparable loss. Lastly, at this stage, when the case has advanced to the stage of defendant evidence and there is nothing substantial on record exhibiting any irreparable loss	

to the plaintiff, this court does not find it fit to pass the order prayed for. Accordingly, the petition dated 10-03-2022 of the plaintiff stands rejected and disposed off.

The defendants are directed to complete the defendant evidence within next 3 dates positively. Put up the record on 9-4-24 for defendant evidence.

Ordered


(Prabhat Kumar)

Munsif Sadar, Sitamarhi