

Present:-Sh.P.K.Malhotra, Adv for plaintiff.

Suit has been presented. Report of Reader called and perused. Suit be registered. Along-with the suit, plaintiff also moved an application U/O 39 Rules 1 and 2 read with Section 151 CPC for grant of ad-interim injunction supported with duly sworn affidavit and other relevant documents i.e copy of jamabandi for the year 2017-18, copy of Aks Sajra, copy of Adhar card and photographs of the spot. Heard. Documents perused. Arguments heard. Documents attached with application such as Aks sajra, site plan and copy of jamabandi for the year 2018-19 perused. Documents attached on file reflects the nature of suit land as agricultural one and parties to the suit are shown to be co-sharers. In case titled as **Satpal Singh & anr v.Baldev Singh reported in 2020(1) Law Herald (P&H) 335**, our Hon'ble High Court held that petitioners could not raise any kind of construction over agricultural land without getting it partitioned. Thus, from the documents and in view of law referred above, at this stage, a prima facie case is made out in favour of the plaintiff and the very purpose of filing the suit and stay application shall be frustrated, if no order is passed. So, defendants are restrained from digging the earth from any specific portion of suit land and from raising any kind of construction over the joint land as detailed in head note of the plaint till further order. Notice of suit and stay application be also issued to defendants for 31.07.2021 through ordinary process.

The plaintiff is directed to take dasti process and in case the plaintiff remain negligent in taking dasti process, ex-parte stay order shall not be extended further. Compliance under order 39 Rule 3 CPC be made. Dasti be taken. Ahlmad concerned is directed to send the file to the concerned court.

Pronounced.
06.07.2021.
Deepak

(Harjinder Singh),
Civil Judge (Jr. Divn.),
Jagraon (UID No. PB0421)

