

Order no 10, dated 18.06.2025

Today is fixed for passing order in respect of the injunction petition U/O 39 R. 1&2 filed by the plaintiffs.

Both parties file representative haziras through their Ld. Advocates.

Ld. Advocate of the plaintiffs submitted before this Court that they have inherited the suit property from their predecessor Kismat Khan and the said Kismat Khan was in possession of 505 decimal of land in the suit dag and Manir Khan, who is the predecessor of the defendants was one of the co sharer of the suit dag and he got 03 decimal in dag no 235 but practically he was in possession of 05 decimal of land and after death of Kismat Khan his 5.5 decimal devolved upon his three sons namely Noor Ali Khan, Sanowar Khan and Anwar Khan in three separate khatian and these are 366,335 and 38 and the present plaintiffs are the legal heirs of these three brothers and the defendants are the legal heirs of that afore said Manir Khan and according to the plaintiffs 65 years ago there was an amicable partition between these Kismat Khan and Manir Khan and as per the said amicable partition the plaintiffs are in possession of the suit property of 5.5 decimal of land and the defendants have no right, title and possession over the suit property and as the defendants gave threat of dispossession of the plaintiffs from the suit property the plaintiffs filed this suit and got an ad interim order in status quo form.

Defendants filed their written objection against the injunction petition and also filed some Ld. Advocate of the defendants submitted that the suit dag was never been partitioned between its co sharers and still the suit dag is joint property and the suit property is also included in this non-partitioned property and there is no such reflection of partitioned of the suit property in R.S. ROR of the suit property rather the defendants have joint share in the suit property.

Heard & considered.

On careful perusal of the case record as well as the all the material documents filed by both the parties, this Court found that, in the L.R. ROR of the suit dag no 377, .05 decimal of land has been recorded in the name of the defendant no 1 and now this Court has to find out in its trial that the suit property is still is a joint property or it is exclusive share of the plaintiffs.

Hence, It is

### O R D E R E D

That the order dated 18.11.2025 passed by this Court in status quo form be and the same is hereby made absolute till the disposal of the suit and both the parties are hereby restrained from changing the nature and character of the suit property in any manner.

Next date 18/07/2025 for framing of issues of the suit.

T/C by me

Civil Judge Jr. Divi.  
Additional Court, Garhbeta