

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 1095 of 2025

Nand Kishore Tiwari Petitioner

Versus

Sri Shivjee the 'Shivling' and the deity established in the Shiwala, at Village
and P.O. Shahpur, P.S. Chainpur, District Palamau & Others

.... Opposite Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Amar Kumar Sinha, Advocate

For the Opp. Parties :

Order No.02 / Dated : 04.12.2025

It is argued by the learned counsel on behalf of petitioner that the defendant/petitioner is in settled possession of the land having purchased the suit property by registered sale deed from the legal heirs of Brahmdeo Mishra on 18.12.1990 and his name mutated in the Seresta of the Revenue Department. It is further submitted that Brahmdeo Mishra had acquired title over the said piece and parcel of the land on the basis of registered sale deed dated 12.07.1973 executed from Most. Suraj Mani Kunwar widow of Fakir Chand Pathak.

The present suit being Original Suit No.57/2021 has been filed inter alia for the relief of declaring sale deed dated 12.07.1973 and sale deed executed in favour of present defendant nos.8 and 9 in 1990 to be null and void.

It is argued by the learned counsel that prima facie case and balance of convenience lies in favour of the petitioners, despite this, the order of temporary injunction has been allowed in favour of the plaintiff against which the present civil miscellaneous petition has been preferred.

Let notice be issued to the opposite parties through their pleader appearing on their behalf in the trial Court in terms of Order III Rule 5 of the C.P.C. for which requisites etc. under ordinary process must be filed within a week of the order.

After service of notice, let service report be sent to this Court within

three weeks by the learned trial Court.

Let this case be listed on 19th Jan., 2026.

In the meantime, operation of the impugned order dated 16.07.2024 passed in Civil Misc. Case No.87/2022 by learned Civil Judge (Senior Division)- VII, Palamau at Daltonganj is stayed.

(Gautam Kumar Choudhary, J.)

Anit

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06.12.2025