

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9063 of 2023

Petitioner :- Smt Lalmani Devi And 3 Others

Respondent :- Kunwar Bhaskar Singh And 3 Others

Counsel for Petitioner :- Hitesh Kumar Mishra, Ajay Singh

Hon'ble Jayant Banerji, J.

Heard Sri Ajay Singh, Advocate, learned counsel appearing for the petitioners.

This petition has been filed seeking the following relief:-

"(i) to direct the defendant/respondent no.1 to maintain status quo of property or not to interfere in the peaceful possession of plaintiffs/petitioners and defendant/respondent no.2 to 4 till the pendency of the Original Suit No. 1082/2023."

It appears that Original Suit No. 1082 of 2023 was filed by the plaintiff-petitioner seeking a decree of cancellation of will deed dated 11.6.2021 which was registered on 17.6.2021 as well as for permanent injunction against the defendant no.1 restraining him from interfering in the peaceful possession of the plaintiff and defendant nos. 2 to 4.

It is stated that the plaintiff-petitioners and defendant -respondent nos. 2,3 and 4 are sisters; the defendant-respondent no.1 is son of defendant-respondent no.2, who has set up a fabricated will deed dated 11.6.2021. It is stated that there was a previous will deed executed by the mother of the petitioners and in the subsequent will deed of 2021, the previous will deed was stated to have been revoked and, therefore, the suit aforesaid was filed seeking cancellation of will deed and for injunction.

A perusal of the certified copy of the order sheet that appears at page 32 of the petition reflects that the suit was filed on 6.7.2023 and an application for temporary injunction (6C) was filed, on which notice was directed to be issued. Under the circumstances, no direction as sought for can be granted inasmuch as it would entail assuming the jurisdiction of the trial court, which is not permissible in this petition.

Accordingly, no interference is called for and this petition is **dismissed**.

Order Date :- 29.11.2023

sfa/

(Jayant Banerji, J)