

**Court No. - 4**

**Case :- MATTERS UNDER ARTICLE 227 No. - 12735 of 2023**

**Petitioner :- Jugraj Singh**

**Respondent :- Satya Pal Singh And 2 Others**

**Counsel for Petitioner :- Kartikeya Saran,Ujjawal Satsangi**

**Counsel for Respondent :- Divakar Rai Sharma**

**Hon'ble Prakash Padia,J.**

1. Supplementary affidavit filed today is taken on record.
2. Heard Shri Kartikeya Saran, learned counsel for the petitioner and Shri Divakar Rai Sharma, learned counsel for the respondents.
3. The petitioner has preferred present petition with the following prayers :-

*"(i) Issue an appropriate order or direction, by calling for the record and setting aside the Impugned Order dated 26.09.2023 passed by Additional District Judge, Court No. 10, Aligarh in Misc. Civil Appeal No. 26/2023 (Satyapal Singh and Others v Jugraj Singh);*

*ii) Issue an appropriate order or direction, by calling the records, allowing the Application 21Ga filed by the Petitioner Defendant in Original Suit No. 136/2022 (Satyapal Singh and Others v Jugraj Singh) pending before Civil Judge (Junior Division), Khair, District Aligarh;*

*iv) Issue an appropriate order or direction to the Respondents not to interfere with the peaceful possession of Petitioner Defendant upon Gata No. 888A and 888M, (admeasuring 0.849 hectares) Village and Tehsil Khair, District Aligarh;*

*v) Issue an appropriate order or direction, by calling the records, rejecting the Application 7Ga filed by the Petitioner Defendant in Original Suit No. 136/2022 (Satyapal Singh and Others v Jugraj Singh) pending before Civil Judge (Junior Division), Khair, District Aligarh;"*

4. The facts in brief as contained in the petition is that Original Suit No.636 of 2022 was filed by the plaintiffs-respondents namely Satyapal Singh and others against the defendant-petitioner Jugraj Singh in the court of Civil Judge (Junior Division), Khair, Aligarh.

Along-with the said suit an application under Order 39 Rule 1 and 2 CPC 1908 was also preferred by the respondents-plaintiffs for temporary injunction. In the aforesaid suit an application for grant of interim injunction was also filed by the defendant-petitioner being Application No.23-C-2. After considering the entire aspect of the matter, an order dated 20.03.2023 was passed by the Civil Judge (J.D.), Khair, Aligarh rejecting the temporary injunction application filed by the plaintiffs-respondents and allowing the application for temporary injunction of defendant-petitioner. Following directions were passed on 20.03.2023 :-

"वादीगण द्वारा प्रस्तुत प्रा०पत्र 7 ग 2 निरस्त करते हुए प्रतिवादी द्वारा प्रस्तुत वास्ते अस्थाई निषेधाज्ञा प्रार्थना-पत्र 23 ग 2 स्वीकार किया जाता है व वादीगण को दौरान वाद , प्रतिवादी के गाटा सं0-888 अ एवं 888 मि0 रकवा 0.849 है0 में शान्तिपूर्ण कब्जा व दखल में उपभोग / उपयोग करने में बजरिये अस्थाई निषेधाज्ञा निषेधित किया जाता है। वादीगण को उक्त विवादित सम्पत्ति बेचने व बंधक करने से भी निषेधित किया जाता है। पत्रावली वास्ते विरचित करने वाद बिन्दु दिनांक 10.04.2023 को पेश हो।"

5. Aggrieved against the aforesaid plaintiffs-respondents filed two civil appeals one against the rejection of their temporary injunction application and second against the order by which application No.23-C-2 was allowed. Both the appeals were numbered as Misc. Civil Appeal Nos.26 of 2023 and 27 of 2023. Both the appeals were clubbed together and allowed vide order dated 26.09.2023. The operative portion of the order reads as follows :-

"अपीलार्थीगण/वादीगण की प्रकीर्ण अपील संख्या -26/23 सत्यपाल बनाम जुगराज सिंह स्वीकार की जाती है , प्रश्नगत आदेश जो मूलवाद संख्या-136/23 सत्यपाल सिंह बनाम जुगराज में दिनांक 20.03.2023 को पारित किया गया है अपास्त किया जाता है। प्रार्थना पत्र 23 ग निरस्त किया जाता है।

अपीलार्थीगण/वादीगण की प्रकीर्ण अपील संख्या -27/23 सत्यपाल बनाम जुगराज सिंह

स्वीकार की जाती है, प्रश्नगत आदेश जो मूलवाद संख्या-136/23 सत्यपाल सिंह बनाम जुगराज में दिनांक 20.03.2023 को पारित किया गया है अपास्त किया जाता है। प्रार्थना पत्र 7 ग स्वीकार किया जाता है। प्रतिवादी को दौरान दावा विवादित भूमि मुताबिक नक्शा नजरी वाद पत्र अ, ब, स, द में किसी प्रकार के वादीगण के कब्जा दखल में हस्तक्षेप से निषेधित किया जाता है तथा प्रतिवादी को निषेधित किया जाता है कि वह दौरान दावा प्रश्नगत भूमि को किसी अन्य को हस्तान्तरित न करे।"

6. It is admitted by counsel for the parties that the parties are in possession over the premises in question and in case direction is given by this Court to the court below to decide the entire proceedings expeditiously they have no objection.

7. With the consent of counsel for the parties, present petition is being disposed of at the admission stage.

8. In the facts and circumstances of the case and without interfering in the orders, which are under challenged in the petition, the present petition is disposed of directing the court concerned before whom matter is pending to decide the Original Suit No.136 of 2022 (Satyapal Singh and others Vs. Jugraj Singh) strictly in accordance with law most expeditiously and positively by 31.08.2024 fixing short dates. The parties are direction to not take unnecessary adjournment.

9. Till 31.08.2024 or till disposal of the suit, whichever is earlier, parties are directed to maintain status quo in respect of possession and will not create any third party right.

**Order Date :- 13.12.2023**

**Pramod Tripathi**