

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5568 of 2023

Petitioner :- Jugraj

Respondent :- District Judge District Sitapur And 3 Others

Counsel for Petitioner :- Sudhir Kumar Rai,Dhirendra Vikram Singh

Hon'ble Rajnish Kumar,J.

Heard, Shri Sudhir Kumar Rai, learned counsel for the petitioner.

This petition has been filed challenging the order dated 07.12.2021 passed in Regular Suit No.55 of 2020; Jugraj Versus Malti Prasand and others by the Gram Nyayalaya, Sidhauli, District-Sitapur and the order dated 04.03.2023 passed by the Additional District Judge, Court No.2, Sitapur, however it has been mentioned as District Judge, Sitapur in prayer clause.

By means of the order dated 07.12.2021 the application for interim injunction, filed by the petitioner alongwith the Regular Suit No.55 of 2020 for permanent injunction, has been dismissed on the ground that the names of other co-sharers have also been recorded in the Khatauni of Khata No.20, Gata No.114 minjumla measuring area 0.739 hectare, who have not been arrayed as defendant in the Suit. It has also been recorded that the defendant in the Suit has also produced a sale deed executed by the petitioner of his share and stated that it could not be mutated in the revenue records because the petitioner is a member of scheduled caste, however the house is constructed on the land in dispute by him, which has been purchased through sale deed. Accordingly, the land is not ascertainable, therefore the balance of convenience is not in favour of the petitioner.

Learned counsel for the petitioner does not dispute that the

other co-sharers have not been impladed in the Suit. The appeal filed by the petitioner has also been dismissed holding that the Lower Court has not committed any illegality in passing the impugned order.

In view of above and considering the over all facts and circumstances of the case this court is of the view that there is no illegality of error in the impugned orders, which may call for any interference by this court.

The writ petition is, accordingly, **dismissed**.

(Rajnish Kumar,J.)

Order Date :- 1.11.2023
Banswar