

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20335 of 2013

=====

Deo Narayan Choudhary Son of Late Basudeo Choudhary, resident of village - Singhiya Makandpur, P.S. - Gopalpur, District - Bhagalpur, at present residing at Nikanth Bhawan, Off Ganguli Road, Bari Khanjarpur, P.S.-Barari, District - Bhagalpur.

.... Petitioner/s

Versus

1. Smt. Nilima Das Wife of Sri Baidyanath Das, resident of Nilkanth Bhawan, Off Ganguli Road, Mohalla - Bari Khanjarpur, P.S. - Barari, District - Bhagalpur.
2. Prem Ranjan Choudhary Son of Deo Narayan Choudhary, residing at Nilkanth Bhawan, Off Ganguli Road, Mohalla - Bari Khanjarpur, P.S. - Barari, District - Bhagalpur.
3. Manoranjan Choudhary Son of Deo Narayan Choudhary, residing at Nilkanth Bhawan, Off Ganguli Road, Mohalla - Bari Khanjarpur, P.S. - Barari, District - Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : M/s D. Nath Jha and Ranjan Kumar Jha, Adv.

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 09-01-2018

This application has been filed to set aside the order dated 9th July 2013 passed by the Sub Judge-IV, Bhagalpur in Title Suit No. 264 of 2011 whereby and whereunder the petition filed by the petitioner under Order 39 Rule 1 and 2, was rejected.

2. Heard learned counsel for the petitioners.

3. It appears that the petitioners have filed Title Suit No. 264 of 2011 against for specific performance of contract on the basis of registered deed of agreement dated 18.05.2010. The Court below after hearing both sides, rejected the petition observing that the



defendants have challenged the deed of agreement. It is well settled that the agreement to sale does not create title in favour of any party except right to file a suit for specific performance of contract to get the agreement performed. The right of the plaintiff has to be determined only after the trial. The Court below has rightly refused to injunct the defendant from executing any document of transfer. As such the impugned order does not suffer any illegality.

4. In view of above facts, I do not find any merit in the application. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.01.2018
Transmission Date	

