Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 6000 of 2024

Petitioner :- Qayyum And Another
Respondent :- First Additional District Judge Bahraich And 4 Others
Counsel for Petitioner :- Akhlaq Ali,Shabana Akhlaq
Counsel for Respondent :- Vinod Kumar Singh

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the petitioners and Shri Vinod Kumar Singh, learned counsel for respondent no.2.

2. Present petition has been filed challenging the order dated 14.10.2024 whereby the order passed by the Civil Judge on 24.08.2019 was set aside.

3. The facts, in brief, are that the petitioners claim to be the owner by virtue of succession alongwith two brothers and mother to the extent of 1/5th of the property. It is stated that on 23.05.1985, the two brothers and mother executed a sale deed in favour of a third person, the defendant, when the petitioners were minor, and after they attained majority and came to know of the sale deed, they filed a suit sometime in the year 2015. The Court concerned initially passed an order directing the parties to maintain status quo, however, the appellate court set aside the said order mainly on the ground that no injunction can be granted against the two owners.

4. The submission of counsel for the petitioners is that in case the property is sold and third party right is created, the matter would get further complicated. He further argues that the Court concerned has already framed issues including an issue with regard to the suit being time barred which is to be decided as a preliminary issue.

5. Considering the fact that the purchaser of the property is a bonafide purchaser for valuation of money and the interest of the petitioners are protected by virtue of doctrine of *lis pendens*, I do not see any reason to interfere with the impugned order, particularly, when the suit was filed after about 17 years of attaining majority.

6. No good ground for interference is made out. The petition is accordingly ***dismissed.***

Order Date :- 11.12.2024
nishant

Digitally signed by :-
NISHANT MOHAN
High Court of Judicature at Allahabad,
Lucknow Bench