

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.127 of 2023

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Baikunth Mahton @ Baikunth Prasad Singh (Mahto) Son of Late Lauku Mahton @ Loknath Singh, Resident of Village Ward No. - 9, Sanha Naya Tola, Bakhodda Police Station - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

Jasma Khatoon Wife of Md. Tekho, Daughter of Late Saiyad Md. Hassan, Resident of Village - Sanha Tola Bahodi, Police Station - S. Kamal, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv.
For the Respondent/s : Mr.Smt. Sudha Ambastha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 24-03-2025

Heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 21.10.2022 passed by the learned District and Sessions Judge, Begusarai in Civil Miscellaneous Appeal No. 02 of 2019 and the order dated 05.01.2019 passed by learned Sub Judge-cum-A.C.J.M., Ballia, Begusarai in Title Suit No. 241 of 2015 whereby and whereunder both the courts rejected the petitions filed by the petitioner/plaintiff under Order 39 Rule 1 and 2 of the Code of Civil Procedure refusing grant of injunction to restrain the defendants from alienating the suit property.

3. Learned counsel for the petitioner submits that the petitioner claim the suit property on the basis of a sale deed dated 25.01.1980 executed by Syed Mashihujamma Bedil



whereas the defendant/respondent claims the same land on the basis of her sale deed dated 19.11.1969 executed by the father of the vendor of the plaintiff. Learned counsel very fairly concedes that both the subordinate courts have passed the orders against the plaintiff refusing to grant any injunction. Learned counsel submits that till the pendency of the proceeding the *lis* property should be preserved.

4. However, learned counsel appearing on behalf of the defendant vehemently contends that the impugned orders have no infirmity and the defendant has been holding the land in question on the basis of a sale deed which is prior to the execution of the sale deed of the plaintiffs.

5. However, learned counsel appearing on behalf of the defendant/respondent submits that the defendant/respondent undertakes not to alienate the property or to create any third party interest till the pendency of the suit property provided the plaintiff/petitioner also furnishes an undertaking that he will maintain status quo with regard to the suit property and not would alienate the same or to create any third party interest.

6. Learned counsel for the petitioner is agreeable to the suggestion.

7. In the light of the submission of the parties, the



present petition is disposed of with direction to the parties not to alienate or to create any third party interest in the suit property.

8. Learned trial court is directed to expedite the proceeding and dispose of the suit at the earliest.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
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