

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1028 of 2019

Rajesh Kumar, Son of Late Prasidh Narayan Singh, Resident of Village-
Kaithwan, Police Station- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

1. Sujit Kumar, Son of Umesh Prasad Singh, Resident of Village- Kaithwan,
Police Station- Sheikhpura, District- Sheikhpura.
2. Umesh Singh, Son of Late Mundrika Singh, Resident of Village- Kaithwan,
Police Station- Sheikhpura, District- Sheikhpura.
3. Ramashish Singh, Son of Late Mundrika Singh, Resident of Village-
Kaithwan, Police Station- Sheikhpura, District- Sheikhpura.
4. Sanjiv Kumar, Son of Ramashish Singh, Resident of Village- Kaithwan,
Police Station- Sheikhpura, District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 12-09-2025 The present Civil Miscellaneous application has been

filed on behalf of the petitioner for setting aside the order dated

20.05.2019 passed by the learned District and Sessions Judge,

Sheikhpura in Civil Misc. Appeal No. 01 of 2019 whereby the

said application has been dismissed and the injunction order

passed by the Trial Court has been confirmed.

2. Learned counsel for the petitioner submits that the

petitioner/plaintiff has filed Title Suit No. 04 of 2017,

challenging the validity of sale deed executed by *Rajmanti Devi*

in favour of the defendants/respondents, and has sought a



declaration of the said sale deed as null and void.

3. Learned counsel further submits that petitioner/plaintiff is son of late *Prasidh Narayan Singh* and *Prasidh Narayan Singh* were three brothers, his two brothers were namely *Mundrika Singh* and *Jamotri Singh*. *Mudrika Singh* and *Jamotri Singh* were died in the year 1992 and his father *Prasidh Narayan Singh* also died in the year 2001.

4. Petitioner has assailed the registered sale deed executed by *Rajmanti Devi* being wife of late *Jamotri Singh* in favour of defendant. He also argued that said *Rajmanti Devi* was not the wife of *Jamotri Singh* rather she was kept of *Jamotri Singh* and she was not entitled to execute any sale deed pertaining to suit land standing in the name of *Jamotri Singh*.

5. In the impugned order dated 20.05.2019, the learned District Judge has observed in Civil Miscellaneous Appeal No. 01 of 2019 that the petitioner/plaintiff has himself got executed a registered sale deed no. 5402 dated 30.09.1996 by the said *Rajmanti Devi* in which her address is written as W/o late *Jamotri Singh*. The learned District Judge has also observed in the said impugned order that there is also memorandum chart available on the record to show that there was partition between the three brothers on 12th of February,



1992 and he was allotted 1/3rd share, so *Rajmanti Devi* being wife of *Jamotri Singh* is entitled to possess the land of share of her husband even in family partition and she has executed the sale deed as per her need. The petitioner/plaintiff has failed to prove any prima facie case balance of convenience and irreparable loss for grant of injunction against the respondent/defendant.

6. During course of argument, learned counsel for the petitioner, did not controvert the aforesaid facts regarding the sale deed executed in favour of plaintiff/petitioner by said *Rajmanti Devi*. So there is no illegality and infirmity in the impugned order.

7. Accordingly, the instant application stands dismissed. However, the aforesaid observation made in this order will not affect in adjudication of the suit.

(S. B. Pd. Singh, J)

Ankit Kumar/-

U			
---	--	--	--

