HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2892 of 2026

Harendra And 2 Others

.....Appellant(s)

Versus

Sachin Kumar And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Himanshu Bansal, Shivam Yadav
Counsel for Respondent(s)	:	Abhinay Bhattacharya

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Learned counsel for both parties are present.

2. This appeal has been directed against the order dated 29.8.2026 passed by learned Additional Civil Judge (Senior Division), Gautam Budh Nagar in Original Suit No. 2112 of 2024 (Harindra and Ors. vs. Sachin Kumar Sharma and others), whereby an application seeking temporary injunction filed by the appellant was dismissed.

3. Learned counsel for the appellant submitted that the disputed property of the suit is Khasra No. 506 admeasuring 325 sq. yard which is in possession of the plaintiff since the year 2006. Said land belonged to the father of respondent/defendant but the same was purchased by the father of plaintiff/appellant through an oral settlement, whereby a consideration amount of Rs. One Lakh was paid. Till the fathers of plaintiffs and defendants were alive, none of the parties disputed about the possession of the plaintiffs over the disputed land. But ill will rose in the minds of the defendants after the death of fathers of the plaintiffs and defendants. Thereafter, they started interfering in the possession of the plaintiffs upon which they are in possession since the year 2006. The trial court had dismissed their temporary injunction application merely relying upon the revenue entries which are in favour of the defendants but has ignored the report submitted by Amin which shows possession of the plaintiffs over the disputed land. As such the order passed by the trial court is liable to be set aside and a direction be issued to the trial court to pass an order of temporary injunction in favour of the plaintiffs.

4. Per contra, learned counsel for the respondents-defendants submitted that the alleged claim of payment of consideration amount of Rupees One Lakh has been pleaded in the plaint without any evidence or substance. No such evidence or any document has been submitted showing any title in favour of the appellants. It was further submitted that the land belonged to the defendants and the revenue entries are also in their favour. The appellants are themselves interfering in the possession of the defendants and they frequently throw garbage on the disputed land which is in possession of the defendant.

5. Heard learned counsel for the parties and perused the impugned order.

6. It is evident that the disputed land is an agricultural land and revenue entries are in favour of the respondents/defendants. Therefore, it is apparent that the appellants have failed to prove their prima facie case. Even though it is admitted that the appellant-plaintiffs are in the possession of the disputed land, the same will not come to his assistance because title lies with the defendants.

7. In view of the foregoing discussion, the order dated 29.08.2026 passed by the learned trial court is upheld and the appeal is **dismissed**.

(Anil Kumar-X,J.)

October 24, 2026
SK

Digitally signed by :-
SUSHEEL KUMAR
High Court of Judicature at Allahabad