HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 3061 of 2026

Mukesh Singh

.....Appellant(s)

Versus

Kalicharan And Another

.....Respondent(s)

Counsel for Appellant(s) : Nikhil Chaturvedi
Counsel for Respondent(s) :

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Learned counsel for the appellant is present.

2. This appeal has been directed against the order dated 24.7.2026 passed by learned Civil Judge (Senior Division), Firozabad in Original Suit No.391 of 2022 (Kalicharan vs. Mukesh and Anr.), whereby an application seeking temporary injunction filed by the plaintiff was allowed and an order of status quo was passed.

3. Learned counsel for the appellant/defendants submitted that the respondent-plaintiff filed a suit seeking injunction in respect of Gata No. 50. The temporary injunction application filed by the respondent-plaintiff was allowed by the trial court vide its order dated 24.7.2026 while directing the parties to maintain status quo. However, the trial court miserably failed to consider that the disputed land bearing Gata No. 50 was purchased by the defendants/appellants through a sale deed wherein specific Gata No. 50 was mentioned. However, the sale deed filed by the respondent-plaintiff does not mention the gata numbers. Therefore, the impugned order is liable to be set aside.

4. Heard learned counsel for the appellant and perused the impugned order.

5. As this Court finds it expedient to decide this case at the stage of admission itself, issuance of notice to the respondents is dispensed with.

6. Perusal of the impugned order reveals that Amin report of the spot inspection was sought by the trial court which indicates possession of the respondent-plaintiff over the disputed plot. However, it is not clear whether the said possession is over the same disputed Gata No.50 or there has been certain encroachment by the respondent/plaintiff over the Gata No.50 of the defendants. The issue whether the possession of the respondent is upon the disputed Gata No. 50 or it was upon his own land was the crucial issue which ought to have been determined by the trial court.

7. In the aforesaid circumstances, the trial court is directed to reconsider and decide the application preferred by the respondent/plaintiff afresh, after taking into consideration the fact that the sale deed executed in favour of the respondent/plaintiff pertains to Gata No. 50, whereas the sale deed executed in favour of the defendant/appellant specifically mentions the Gata No. 50.

8. The trial court shall further examine the Amin's report to ascertain whether the possession of the respondent/plaintiff, as indicated therein, relates to Gata No.50 or it lies upon the property purchased by plaintiff which lies adjoining elsewhere to Gata No.50.

9. Accordingly, the appeal is **allowed**. The impugned order dated 24.7.2026 passed by learned Civil Judge (Senior Division), Firozabad in Original Suit No.391 of 2022 is hereby set aside. The matter is remanded to the trial court for fresh consideration and decision in light of the above direction, after affording due opportunity of hearing to both parties, within a period of one month from the date of this order.

10. The appellant shall ensure that a copy of this order is placed before the trial court at the earliest so that the said application shall be decided within the aforesaid period.

(Anil Kumar-X,J.)

October 24, 2026
SK

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