2026:AHC:227517

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL REVISION No. - 181 of 2026

Omkar Das

.....Revisionist(s)

Versus

Mukesh Kumar And 9 Other

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Sheo Kinkar Singh, Suryaprakash Sharma, Vipin Kumar Tripathi
Counsel for Opposite Party(s)	:	

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. The present revision has been filed to challenge the order dated 17.7.2026 passed by learned District Judge, Fatehpur in Transfer Application Civil Misc. Case No. 62/74 of 2026 (Omkar Das vs. Mukesh Kumar and Others), whereby transfer application moved by the revisionist-plaintiff has been dismissed.

2. Learned counsel for the revisionist-plaintiff submitted that he preferred a suit for permanent injunction against respondent-defendants. The said suit, i.e. O.S. No. 119 of 1992 (Sakharam and Others vs. Shiv Prasad and Others) is pending in the Court of Civil Judge, Junior Division, FTC, Fatehpur. It is submitted that an order directing both the parties to maintain status quo was passed on 28.05.1992, which is continuing till date. In the meanwhile, respondent-defendants started violating the order of status quo and subsequently the issue was raised before the learned trial court. Therefore, the learned trial court again passed an order directing both the parties to maintain status quo upon consent by both the parties to maintain status quo till final disposal of the suit. In between, the defendants despite order dated 01.02.2024, indulged in violating the order of status quo on 21.06.2025 and 23.06.2025 and started digging drain on the disputed property and even constructed a RCC road upon the disputed land. He submitted that aggrieved by the conduct of the respondent-defendants, he approached the concerned SHO as well as SDM, who merely gave an assurance to the revisionist-plaintiff that they will prevent the respondent-defendants from violating the orders passed by the civil court. However, no action was taken by them and subsequently he moved an application before the learned trial court raising his grievance and seeking fresh direction from the court to enforce its order of status quo, which was violated by the respondent-defendants. But the learned trial court kept this application pending till the respondent-defendants achieved their illegal goal and completed all their illegal

constructions over the disputed land. He submitted that he found that the learned trial court was not paying any heed to his grievance and subsequently he moved transfer application before the learned district court raising all the issues, but his transfer application was also dismissed by learned district court without considering the irreparable loss suffered by the plaintiff. He submitted that his transfer application be allowed and OS No. 119 of 1992 be transferred to another court of competent jurisdiction.

3. Heard learned counsel for the revisionist-plaintiff and perused the records shown by him.

4. The application by the revisionist-plaintiff was filed before the learned trial court on 07.08.2025, alleging the alleged violation of the order of status quo, contending that the respondent-defendants have raised RCC road upon the disputed land. Learned counsel for the respondent-defendants has mainly emphasized on one ground seeking transfer of his case from the concerned court stating that his application was kept pending till 02.05.2026, which primarily indicates that same was kept pending in order to provide time to the respondent-defendants to achieve their target of raising illegal constructions over the disputed land. However, the application filed by the revisionist-plaintiff indicates that same was filed on 07.08.2025, alleging alleged violation of the order of status quo and those violations are of the date 21.06.2025 and 23.06.2025. It is very much apparent that it was the revisionist-plaintiff himself who kept waiting for nearly two months to raise this issue before the court after alleged illegal constructions were over in the month of June, 2025 when civil work in district court was suspended. Therefore, the grievance raised by the revisionist-plaintiff lacks any substance.

5. Accordingly, this revision is **dismissed** and the impugned order dated 17.07.2026 passed by the learned District Judge is upheld.

November 2, 2026
Jaideep/-

(Anil Kumar-X,J.)

Digitally signed by :-
JAIDEEP BANERJEE
High Court of Judicature at Allahabad