

Ram Devi Vs. Ram Chand
Indg. No. 1 of 2018

Present: Sh. M.R. Kamboj Advocate, counsel for the plaintiff.

Suit received by way of entrustment. Alongwith main suit, an application for permission to sue as indigent person has been filed alongwith an application under order 39 Rules 1 and 2 for grant of ad-interim injunction which is supported by an affidavit. Notice of suit as well as applications be issued to defendant for 02.07.2018.

Plaintiff Ram Devi has suffered statement that she has no commercial or non commercial property in her name nor has any amount deposited in any account. She has only has the property mentioned in Ex. A1 in her name.

Heard on the point of grant of interim relief restraining the defendant from alienating land measuring 37 Kanal 14 Kanals comprised in Rect. No. 79, Killa No. 20/1/1 (2-0), 22 (8-0), 23 (8-0), Rect. No. 89, Killa No. 2 (8-0), 9 (8-0), 12/1 (2-0), Rect. No. 126 Killa No. 8/1/2/1 (1-14), Khewat no. 769/797, 777/789, Khatoni No. 1183-1191 as per jamabandi for the year 2015-2016, situated in the area of village Dhandi Kadim, Tehsil Jalalabad by way of sale, lease,

mortgage, gift or by any other mode of sale in favour of any other person except the plaintiff or otherwise creating charge or encumbrance over said land in favour of any person any corporation, State Bank or Nationalized Banks. Claim of the plaintiff is that she is the legally wedded wife of defendant and as per provisions of Hindu Adoptino and Maintenance Act, 1956, defendant is legally bound to maintain the plaintiff, which he has intentionally failed to do so. That defendant is the owner of the land measuring 37 Kanal 14 Marlas as detailed above and is addicted to all bad vices. That in order to deprive the plaintiff of her lawful right, defendant has started hurling constant threats to alienate and transfer the land in question. In support of her case, the plaintiff has also placed on record copy of jamabandi for the year 2015-2016 of village Dhandi Kadim, copy of khasra girdawari for Sauni 2017 and Harhi 2018. Perusal of documents placed on file transpires that defendant is owner in possession of the land in question. However, since plaintiff has claimed herself to be the legally wedded wife of defendant and an indigent person, therefore, prima facie plaintiff has a right to protect the land in dispute from

further alienation.

From the documents placed on record, prima face case is made out in favour of plaintiff and purpose of filing the present suit would be frustrated in case ad-interim stay is not granted in favour of plaintiff. So in the mean time, defendant is restrained from alienating or parting with the possession of land measuring 37 Kanal 14 Kanals comprised in Rect. No. 79, Killa No. 20/1/1 (2-0), 22 (8-0), 23 (8-0), Rect. No. 89, Killa No. 2 (8-0), 9 (8-0), 12/1 (2-0), Rect. No. 126 Killa No. 8/1/2/1 (1-14), Khewat no. 769/797, 777/789, Khatoni No. 1183-1191 as per jamabandi for the year 2015-2016, situated in the area of village Dhandi Kadim, Tehsil Jalalabad, in any manner. Defendant is also restrained from creating charge or encumbrance over said land in favour of any person any corporation, State Bank or Nationalized Banks, subject to compliance under the provisions of order 39 Rule 3 CPC. However, this order shall have no effect on the rights of the concerned bank, if any part of the property in question has already been mortgaged with. The plaintiff is directed to take the Dasti summons and get the service of defendant effected for the date fixed

failing which this order shall not be further extended and shall stand automatically vacated.

Announced in open court.

Sd/-

Dt: 18.05.2018.
(PTS)

(Dipti Goyal)
Addl. Civil Judge (Sr. Div.)
Jalalabad (W)

Next date of hearing: **02.07.2018.**

Purpose: _____