



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE G. S. AHLUWALIA
ON THE 14th OF OCTOBER, 2024
MISC. PETITION No. 5602 of 2024**

INDRA BAHADUR SINGH @ MUKUND SINGH
Versus
SHIV DAYAL SINGH AND OTHERS

Appearance:

***Shri Umakant Sharma- Senior Advocate with Ms. Prabha Khare-
Advocate for petitioner.***

Shri Gajendra Parashar- Panel Lawyer for the respondent/State.

ORDER

This petition under Article 227 of Constitution of India has been filed against the order dated 16.10.2020 passed by 3rd Civil Judge Class-II, Sidhi, District Sidhi in RCS No. 319/2019 and order dated 16.08.2024 passed by 3rd Additional Judge to the Court of 1st District Judge, Sidhi, District Sidhi in MCA No. 75/2020 by which the application filed by petitioner under Order 39 Rule 1 and 2 of C.P.C. and appeal filed by petitioner have been dismissed by the trial Court as well as Appellate Court.

2. It is submitted by counsel for petitioner that by order dated 15.07.2016 passed by Tehsildar, Tehsil Bahri, District Sidhi in Revenue Case No. 38/A-74/15-16, the name of *Dev Sthan* was recorded in the revenue records. The said order was challenged by the petitioner by filing Appeal No. 9/Appeal/2016-17 which was allowed by order dated 27.11.2017 passed by SDO, Sihawal, District Sidhi and the matter was



remanded back. It is submitted that the application for grant of temporary injunction has been rejected only on the basis of revenue records whereas the revenue record which was in existence prior to passing of order dated 15.07.2016 was restored and, therefore, the Courts below should have granted temporary injunction against the respondents.

3. Heard learned counsel for petitioner.
4. There is nothing on record to show that as to what transpired after the order dated 27.11.2017 was passed by SDO, Sihawal, District Sidhi.
5. Be that whatever it may be.
6. The Appellate Court has considered the revenue entries. It is clear from paragraph 11 of the order passed by the Appellate Court that as per the Khasra Panchshala produced by the petitioner, the name of Indra Bahadur Singh/petitioner was recorded in Column 12 of Khasra Panchashala. Column 12 of Khasra Panchashala is meant for the person who is in possession but one thing is clear that the name of the petitioner was never recorded in the revenue records as an owner. Further it has been mentioned by the Appellate Court that it is clear from the record submitted by the petitioner that from the year, 1999 that 0.25 hectares of land forming part of Khasra No. 342 has been recorded as road and *Dev Sthan* and the possession of the petitioner over the remaining part of Khasra No. 342, area 0.85 hectare was also not found by the trial Court. In order to meet out such observation, the petitioner has also not filed copy of the Khasra Panchashala. Thus, it is clear that the petitioner has not challenged the findings recorded by the Trial Court as well as the Appellate Court by producing a document.



7. Since concurrent findings of fact has been recorded by the Courts below and in absence of any document which may be contrary to the said findings, this Court is of considered opinion that the Courts below did not commit any mistake by rejecting the application filed under Order 39 Rule 1 and 2 of C.P.C.

8. Accordingly, the petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

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