



2026:AHC-LKO:20871

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 1216 of 2026

Smt. Sadhna Srivastava

.....Petitioner(s)

Versus

Smt. Rukmani Rai

.....Respondent(s)

Counsel for Petitioner(s)	:	Rohit Kumar Singh
Counsel for Respondent(s)	:	

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Shri Rohit Kumar Singh, learned counsel for the petitioner.
2. In light of the proposed order, notice to private respondent, is dispensed with.
3. By means of the present writ petition, the petitioner has assailed the validity of the order dated 14.11.2025, passed by the District Judge, Lucknow, in Misc. Civil Appeal No. 326/2025, "Rukmini Rai Vs. Smt. Sadhna Srivastava", under Order XLIII Rule 1(r) C.P.C.
4. It has been submitted by counsel for the petitioner that the suit proceedings were initiated by private respondent in the court of Civil Judge (Junior Division), Hawali, Lucknow along with an application under Order XXXIX Rule 1 & 2 C.P.C.
5. It has also been submitted by counsel for the petitioner that the opposite party had filed a suit before the Civil Judge (Junior Division), Hawali, Lucknow, which was registered at Civil Suit No. 1252 of 2025 along with said suit an application under Order XXXIX Rule 1 & 2 was submitted. It is the case of private respondent that she had purchased a plot, a part of Khasra No. 449 Sa, which was described as plot no. 13 area of 167.283 Sq. Meter measuring 1800 Sq. Fit by means of a registered sale deed dated 01.02.2013 from one Rakesh Kumar Singh son of Hirdaya Narain Singh. Subsequent to the registry of the said plot, even the mutation proceedings was concluded in favour of the plaintiff and the

said land came to be recorded in their names. The plaintiff subsequently had made a boundary wall to demarcate the plot but subsequently found that the petitioner had started demolishing the said boundary wall and raising the constructions, where all efforts of the private respondent had failed, had preferred the aforesaid civil suit, for permanent injunction along with application under Order XXXIX Rule 1 & 2 C.P.C. The trial court after considering the objection of the petitioner has rejected the application under Order XXXIX Rule 1 & 2 C.P.C. The plaintiff could not prove the particular area (Chauhaddi) of the plot purchased by her and in absence of any specific boundaries, the trial court was of the view that the application for temporary injunction could not be granted and consequently rejected the said application by means of order dated 22.08.2025.

6. Being aggrieved by the order dated 22.08.2025, an appeal was preferred before the District Judge, Lucknow. Before the District Judge, Lucknow the petitioner was put in appearance and also filed her objections. The District Judge, Lucknow in paragraph 10 of the judgement, had clearly returned the finding that the sale deed 01.02.2013 contained exact boundaries, from which it is evident that plot no. 13, which was purchased by the plaintiff is between plot no. 12 and 14 and in this regard even a report of the Amin was available on record. Further the learned District Judge was of the view that the Khetauni, which was filed by the appellant/plaintiff, her name was duly mutated and accordingly her case for grant of interim relief was not adequately considered in favour of the appellant/ plaintiff and further found balance of convenience also rest in her favour and consequently set aside the order dated 22.08.2025 and restrained the petitioner/ defendant from raising any construction or interfering in the peaceful possession over the suit property till disposal of the suit.

7. Counsel for the petitioner while assailing the order, it has been submitted that the plaintiff could not demonstrate about her ownership in the disputed land and also submitted that incorrect assertion was made by her before the trial court as well as the appellate court.

8. Accordingly, in the aforesaid circumstances, a prayer was made for

allowing the writ petition and for setting aside the order dated 12.11.2025.

9. I have considered the arguments of the petitioner and I have perused the record. From the order of the District Judge, it is evident that the disputed plot was purchased by the plaintiff by means of registered sale deed on 1.12.2013. The said plot was previously purchased by one Rakesh Kumar Singh, who in turn had purchased the said plot, by means of two registered sale deed dated 31.1.2012 and 29.3.2012.

10. Apart from the above, on the basis of the material available on record that is the identity of the plot was clearly established by the plaintiff from the perusal of the sale deed and also from the perusal of the report of the Amin, which was available on record.

11. Accordingly, considering the aforesaid material, I find that the plaintiff was able to demonstrate prima facie sufficient facts with regard to ownership and also the facts that the land has subsequently been mutated in her favour, while on the other hand, in the objections filed by the petitioner, before the District Judge, I do not find any averment or material indicating that they had asserted any right in the disputed plot.

13. Accordingly, I do not find any infirmity in the order of the District Judge, allowing the application under Order XXXIX Rule 1 and 2 C.P.C. in favour of plaintiff nor any ground to interfere under Article 227 of the Constitution of India, the writ petition being devoid of merits, is hereby ***dismissed.***

(Alok Mathur,J.)

March 23, 2026

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