



2026:AHC:124833

HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 8030 of 2026

Govind Jaiswal

.....Petitioner(s)

Versus

Swati Jaiswal and another

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Kumar Srivastava
Counsel for Respondent(s)	:	

Court No. - 38

HON'BLE KSHITIJ SHAILENDRA, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Shri Ashish Kumar Srivastava, learned counsel for the petitioner.
3. The petitioner is, in fact, aggrieved by non-grant of ad-interim temporary injunction pending O.S. No.764 of 2026.
4. Submission is that suit was taken up after transfer from the court of District Judge, Varanasi on 13.05.2026, on which date defendant no. 1 was present through counsel as a caveator and notice was issued to other defendant without indicating anything regarding grant/non-grant of ad-interim injunction. Even this much was not indicated as to whether before granting injunction hearing the other side is or is not necessary.
5. As regards merits of the claim for temporary injunction, it is submitted that the petitioner purchased the immovable property from the heirs of one Pradeep Kumar Jaiswal by two sale deeds executed in the year 2022. Though the application for mutation is still pending before the Municipal Authorities, a Gift Deed was executed by father of defendant no. 1 in her favour in respect of the property adjoining to the property purchased by the petitioner and in the southern boundary thereof, property of one Dilip Kumar Jaiswal was indicated, although, property of Dilip Kumar Jaiswal situates in the southern boundary of the property purchased by the

petitioner. It is, therefore, contended that by indicating boundary in such a manner, as a matter of fact the petitioner's property has been included in the property covered by the Gift Deed and on this basis, interference is being caused in the possession of the petitioner.

6. It is further submitted that six years prior to execution of the Gift Deed, i.e. in the year 2018, in respect of the same property an agreement for sale was executed by father of defendant no. 1 along with few other persons in favour of one Harpal Singh and in that agreement, southern boundary was rightly described as part of the property belonging to Pradeep Kumar Jaiswal, i.e. vendor of the present petitioner. It is therefore, contended that in such background of facts, it was necessary to grant ad-interim injunction.

7. *Prima facie*, I find that there is involvement of 2-3 documents and a map forming part of the family settlement, in which petitioner's vendor as well as Sunil Kumar Jaiswal, i.e. father of defendant no. 1 was involved, description of the property at this stage reads in favour of the plaintiff-petitioner at least qua his claim for ad-interim injunction.

8. Without expressing any further opinion on the rival claims involved in the suit, vis-a-vis matter of temporary injunction, this petition is **disposed of** directing the Civil Judge concerned to take up the injunction application and after exchange of affidavits thereon, decide the same by 31st August, 2026 strictly in accordance with law after hearing the parties based upon the consideration of three basic ingredients necessary for grant of temporary injunction, i.e. prima facie case, balance of convenience and irreparable loss.

9. In the facts of the case, it is directed that till the disposal of injunction application, parties shall maintain status quo with regard to nature, possession and constructions over the property forming subject matter of the suit in question.

10. It is made clear that observations made herein-above are for the purposes of disposing of this petition only and the same shall not be treated as expression of final opinion on the merits of rival claims qua

injunction.

June 3, 2026
Sazia

(Kshitij Shailendra,J.)