

ITEM NO.14

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).5444/2022

(Arising out of impugned final judgment and order dated 04-03-2022 in A482 No.792/2022 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow)

MOHD. ABID & ORS.

Petitioner(s)

VERSUS

RAVI NARESH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.81959/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.81960/2022-EXEMPTION FROM FILING O.T.)

Date : 01-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Siddhartha Dave, Sr.Adv.
Mr. Anirudh Jamwal, Adv.
Ms. Jemiben, Adv.
Mr. Chand Qureshi, AOR

For Respondent(s) Mr. S.B. Upadhyay, Sr.Adv.
For R.Nos.1-4 Mr. Aftab Raseed, Adv.
Mr. Aftab Ali Khan, AOR

For R.No.5 Mr. Rohit K. Singh, AOR
Mr. Pritam Bishwas, Adv.
Mr. Kislai Jha, Adv.
Ms. Ruchi Gupta, Adv.
Mr. Samarth Srivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned Senior counsel appearing on behalf of the parties at a considerable length and carefully perused the material placed on record.

2. The controversy in this case pertains to Zamindari Plot No.3082, consisting of some shops and a residential house constructed on it, situated in Mohalla Angooribagh, Faizabad, Uttar Pradesh.

3. While the petitioners claim that they have purchased the subject property by way of four consecutive registered Sale Deeds dated 05.10.2020, the case of the respondents is that the suit property was purchased by their predecessors-in-interest way back on 16.11.1949 by way of a valid Sale Deed.

4. It is, however, an admitted fact that the petitioners have already filed a suit for injunction in which *ex-parte ad-interim* injunction has been granted by the Civil Court, Faizabad, Uttar Pradesh on 05.12.2020. Once the Civil Court is seized of the matter, it goes without saying that the proceedings under Section 145/146 Cr.P.C. cannot proceed and must come to an end. The *inter-se* rights of the parties regarding title or possession are eventually to be determined by the Civil Court.

5. In this view of the matter, and without expressing any views on merits on the rival claims of the parties, we dispose of this Special Leave Petition with a direction that the *ad-interim* order passed by this Court on 03.06.2022 shall continue to operate as an interim measure till the Civil Court, Faizabad passes an appropriate order after hearing both the parties.

6. To avoid multiplicity of proceedings, it is, however, directed that both the parties shall not create any third party rights or encumbrances over the property in dispute.

7. With these observations and directions, the Special Leave Petition is disposed of.

8. As a sequel thereto, pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)