

IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT, AIZAWL MIZORAM
CMA No.69/2012 Arising out of Declaratory Suit No.3/2012

K.SapchhawnaPlaintiff.

-Versus-

Hrangdawla & Ors. Defendants.

BEFORE

R.VANLALENA, Senior Civil Judge

For the Plaintiff : Shri L.H.Lianhrima, Advocate.

For the Defendants: Shri R.K.Malsawmkima/Shri Joseph Lalfakawma AGA's
for Defdt.No.2-4

ORDER

14.5.2012

Ld. Counsels for both parties are present.

Today is fixed for hearing on the interim injunction petition filed by the plaintiff/petitioner against the Defendant/OP no.1 to restrain from developing and constructing a house building in the suit land until disposal of the instant suit on merit.

I have heard ld. Counsel Shri L.H.Lianhrima who submitted that the Defendant no.1 is the brother-in-law of the plaintiff. The plaintiff being an Assam Police during the past years entrusted his plot of land located at Ramthar veng, Aizawl to the custody of his brother-in-law (defendant no.1). But the defendant no.1 fraudulently and secretly bifurcated the plot of land into two LSCs making one of the plots into his possession with the consent of the plaintiff. Hence, a dispute had arisen for ownership of the said bifurcated plot of land and thus came to this court to grant a temporary injunction to restrain the Defendant no.1 from developing and constructing house-building on the suit land until disposal of the suit No. D.S.3 of 2012 for proper and better determination of the suit.

On the other hand, I have heard Shri C.Lalramzauva, Sr.Advocate who on behalf of defendant no.1 submitted that the injunction application may be rejected outright on the ground inter alia that the ownership of the plot of land covered by LSC No.314 of 1980 came to the possession of the defendant no.1 lawfully by way of unwritten and verbal transaction of agreement. While the plaintiff was away in Assam on his being an Assam Police employee, the defendant looked after the land belonging to the plaintiff who later verbally sold the plot of land covered by LSC No.317 of 1980 to defendant no.1 for which Rs.700/- had been paid in two installments of Rs.300/- as first and Rs.400/- for second installment. As the suit land had been legally belonged to the defendant no.1 there is no question of granting an injunction in favour of the plaintiff to restraining the defendant no.1 to stop his on-going repairing works of his house-building.

On hearing both parties and on perusal of the materials available on record, this court has come to a conclusion to grant an interim injunction order in favour of the plaintiff/petitioner to restrain the defendant no.1 from further continuing the construction works being undertaken on the ground that the land over which the said house-building is standing is disputed awaiting trial of the case and the trial of the case may be proceeded on

fast track basis if the parties so desired since the dispute is between very close relative/in-laws.

Accordingly, an interim injunction is hereby granted as prayed for by the plaintiff so that the Defendant no.1 is thereby directed to maintain status quo i.e. He should not continue the on-going construction of the house-building and shall leave the works as it is until further order.

With this, the application for an interim injunction is disposed of.

Sd/-R.VANLALENA
Senior Civil Judge
Aizawl District : Aizawl.

Memo No.....SCJ-II(A)/2012: Dated Aizawl the 14th May,2012.

Copy to:

1. K.Sapchhawna, S/o Laia(L) @ Lawlsavunga (L) R/o Ramthar North, Aizawl through counsel Shri L.H.Lianhrima.
2. Shri Hrangdawla S/o Thangthiauva, Ramthar North, Aizawl through Counsels Shri C.Lalramzauva & ors.
3. The Secretary to the Govt. of Mizoram, Revenue Department through Shri R.K.Malsawmkima/Shri Joseph Lalfakawma AGA's
4. The Director, Land Revenue & Settlement, Mizoram, Aizawl through Shri R.K.Malsawmkima/Shri Joseph Lalfakawma AGA's.
5. The Asst. Settlement officer-I, Land Revenue & Settlement, Mizoram, Aizawl through Shri R.K.Malsawmkima/Shri Joseph Lalfakawma AGA's.
6. Case record.

PESHKAR