

CPC O. 39 R. 1, 2 - Land situated within 'lal lakir' or 'lal dora' - Possession - Plea that by virtue of agreement to sell the petitioner had purchased land and had been put in possession, therefore, the injunction was liable to be granted in his favour - Plea that Land in dispute is situated within 'lal lakir', whereby there is no provision for execution and registration of the sale deed and that entire sale consideration had been paid by the vendee and it was share, therefore,

.....cause of action arose for seeking separate possession by way of partition - It was incumbent upon the petitioner to establish on record certain documents, post agreement to sell to show that he was in possession - No such document had been placed on record - Even otherwise also, rapat roznamcha is required to be entered for the purpose of purchase and sale of the land situated within 'lal lakir' or 'lal dora' - All these factors are the domain of the trial Court whereby the parties to the lis can place the documents on record in support of the averments relied upon but not with the interim application as the plaintiff, had not been able to comply with the ingredients of Order 39 Rules 1 and 2 CPC.

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