

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.512 of 2014

=====

Shri Rajesh Kumar Paswan son of Late Yogendra Kumar Paswan, resident of village –Ladugaon, Post-Nakti, Police Station, Rajnagar, District-Madhubani.

.... Appellant/s

Versus

1. Smt.Chandra Devi wife of late Yogendra Paswan
2. Shri Ramesh Paswan son of late Yogendra Paswan, both are residents of village- Ladugaon, Post-Nakti, Police Station, Rajnagar, District-Madhubani.
3. Smt. Pawan Devi wife of Lalbabu Paswan, resident of village –Bansara-Mohanpur, PS-Keoti, District-Darbhanga.
4. Smt. Rita Devi, wife of Shri Raj Kumar Paswan, resident of village Gauribas Tola, Haripur, PS-Kaluahi, District-Madhubani.
5. Smt. Sita Devi wife of Shri Krishna Paswan, resident of village-Bauaur Ramkhetari, PS-Jhanjharpur, District-Madhubani.
6. Shri Hari Raut son of late Sukhdeo Raut
7. Shri Anant Raut son of Late Damodar Raut
8. Manoj Raut, son of late Pitambar Raut
9. Ram Dayal Raut son of late Pitambar Raut
10. Shri Singheshwar Raut son of late Ghuran Raut
11. Shri Shyam Raut son of Late Rameshwar Raut
12. Shri Dukhmochan Jha son of Late Sitaram Jha
13. Shri Yogi Paswan son of Late Sorai Paswan
14. Shri Nageshwar Raut son of Late Thakkan Raut
15. Shri Baidyanath Raut son of late Thakkan Raut
16. Shri Narayan Raut son of Late Sukhdeo Raut
17. Shri Umesh Raut son of late Yogi Raut

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Baidya Nath Thakur

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-09-2015

Heard learned counsel for the appellant.

In the present case, the appellant is challenging the order dated 23rd July 2014 passed in Partition Suit No. 372 of 2013 whereby and whereunder the status quo was granted on 01.10.2013 till the disposal of the injunction petition, has been recalled on the



ground of loss of faith in the court. The Presiding Officer, vide order dated 1/10/2013, granted status quo. Later on, one Rakhi Devi wife of plaintiff had filed an application informing the court that the plaintiff was going to file a transfer application from his court to another court on account of loss of faith on the Presiding Officer of the court. On such application, it appears that the court below lost his balance in view of showing their losing faith on him, he thought it proper to recall the order of the status quo dated 1/10/2013, by order dated 23.7.2014 recalled the order of the status quo and recorded that the allegation which has been made against him, is nothing but causing an obstruction in passing the final order disposing of the injunction petition.

This Court is not giving any opinion on the merit of the order, but feels that instead of reeling under the feeling humiliation, the court below should have maintained calm, ought to have heard the parties, passed order in accordance with law.

Now this Court takes judicial notice of the fact that unnecessary application are also filed either to humiliate the Presiding Judge or when the party feels that they will not get a favourable order, they make such allegation against the Presiding Officer.

The Trial court is directed to decide the injunction

petition without being swayed away by application filed by the parties making allegation against him, subject to any order passed in transfer application. The court below is directed to hear the injunction petition and after hearing both the parties, it will pass the order on its own merit within fifteen days from the date of receipt/production of a copy of this order

Accordingly, this appeal is disposed of.

(Shivaji Pandey, J)

Mahesh/-

U			
---	--	--	--