

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.553 of 2014

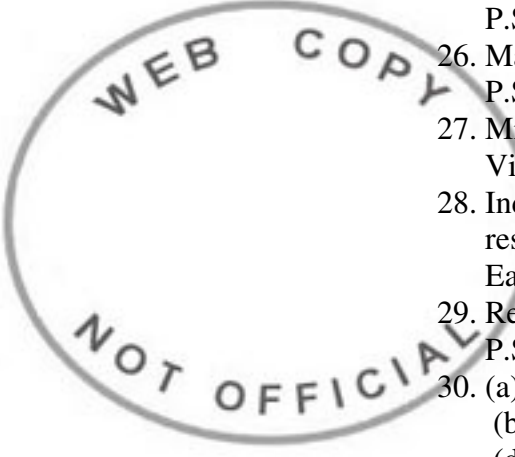
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Shivendra Kumar Singh, son of late Jamuna Prasad Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran at present Mohalla Islampur, Ward No.8, Nagar Parishad, Raxaul, P.S. Raxaul, District East Champaran

.... Appellant/s

Versus

1. Bhuneshwar Prasad Singh, son of late Nagina Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran
2. Suresh Singh
3. Amrendra Singh
4. Jayendra Singh, all sons of late Jamuna Prasad Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran
5. Indu Devi, wife of late Anirudh Prasad Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran
6. Ram Uday Singh, son of late Ramudar Singh, resident of Village Majhora, P.S. Riga, District Sitamarhi
7. Girija Devi, wife of late Nand Kishore Pandey, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
8. Shashiu Deviu, wife Gyanendra Singh daughter of late Jamuna Pd. Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
9. Murari Singh
10. Mukund Singh, both sons of late Anirudh Prasad Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
11. Surendra Singh, son of father's name not known, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
12. Badya Nath Singh, son of Mathura Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
13. Vivek Kumar Singh
14. Bibhaw Kumar Singh, both sons of Baidyanath Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
15. (a) Anil Kumar Singh
(b) Sunil Kumar Singh
© Shushil Kumar Singh, all sons of late Bishwanath Singh, all residents of Village Bhartamhi, P.S. Raxaul, District East Champaran
16. Satyendra Singh
17. Ramesh Singh, both sons of Kapildeo Singh, resident of Village Bhartamhi, P.S. Raxaul, District East Champaran.
18. Akhil Kumar Singh, son of Satyendra Kumar Singh, resident of Village Bhartamhi, P.S. Raxaul, District East Champaran
19. Bachi Devi, wife of late Narendra Kishore Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
20. Mini Devi, wife of Jhunu Babu, Village Fulwaria, P.S. Sugoli, District East Champaran.
21. Bijay Kumar Singh
22. Ajay Kumar Singh, both sons of Baliram Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
23. Meera Devi, wife of Chhakan Singh, resident of Village Chandrahati Kamtole, P.S. Turkey, District Muzafarpur

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24. Kamini Devi, wife of Harendra Singh, daughter of Kishun Singh, Village Kishunnagar, P.S. & P.O. Kanti, District Muzaffarpur
 25. Narayan Singh, son of Kishun Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 26. Mahesh Singh, son of late Nagina Singh resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 27. Mithilesh Tiwari, wife of Nawal Tiwari, daughter of angina Singh Village Sherpur Madholi, P.S. and District Muzaffarpur.
 28. Indu Devi, wife of Ramashanker Singh, daughter of Nagina Singh, resident of Ashram Road near Kalimandir, Raxaul, P.S. Raxaul, District East Chamaparan
 29. Renu Devi, wife of Chaturbhuj Prasad Singh, Village and P.O. Balaha, P.S. Bangri, District Muzaffapur
 30. (a) Shivdeo Singh
(b) Munndeo Singh, all sons of late Singhdeo Singh
(d) Babli Devi
(e) Dauli Devi both daughter of late Singhdeo Singh, all residents of Village Barachakiya, P.S. Chakiya, District East Champaran.
 31. Ripu Devi, wife of Dharamdeo Singh, village and PO + PS Paharpur, District East Champaran.
 32. Binay Singh
 33. Raju Singh
 34. Madhav Sharan Singh
 35. Santosh Singh, all sons of late Bhanu Pratap Singh, all residents of Village Mahadewa, P.S. Raxaul, District East Champaran
 36. Arvind Singh
 37. Shashi Bhusan Siongh
 38. Munna Singh
 39. Chunnu Singh, all sons of late Kamal Singh resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 40. (a) Pushpa Devi, wife of Lallan Kumar, Village Birpur, P.S. Motipur, District Muzaffarpur
(b) Pratibha Devi, wife of Chandu Kumar, village Pokhariya, P.O. Laxmipur, P.S. Adapur, District East Champaran
 41. Arun Singh, son of late Suraj Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 42. Beena Devi, wife of Hari Shanker Choudhary, resident of Mohalla Choudhary Tola, P.S. Sultanganj, District Patna
 43. Pappu Kumar Singh
 44. Prabhat kumar Singh, both sons of late Rajendra Singh
 45. Saraswati Kuer, wife of late Singheshwar Singh
 46. Sanjeev Singh, son of late Rajeshwar Singh, all resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 47. Sohu Devi, wife of late Reopti Raman Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 48. Seema Devi, wife of Ashok Kumar Singh, Village Mohaddipur, P.S. Misroliya, District West Champaran
 49. Sarita Devi, wife of Ram Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 50. Sangita Devi, wife of Rajendra Roy, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
 51. Namita Devi, wife of Sanjay Roy, resident of Village Mahadewa, P.S.

Raxaul, District East Champaran.

52. Seema Devi, wife of Umesh Sharma, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
53. Mukul Singh, son of Ramesh Singh, village Bhartamhi, P.S. Raxaul, District East Champaran
54. Guna Devi, wife of Jogendra Prasad Singh, resident of Village Mahadewa, P.S. Raxaul, District East Champaran.
55. Smt. Sabuj Devi, wife of late Ramotar Singh, Village Babhangama, P.S. Riga, District Sitamarhi
56. Smt. Kanti Devi, wife of late Ratnesh Kumar, Village Bari, P.S. Sitamarhi Mufasil, District Sitamarhi
57. Smt. Tara Devi, wife of late Sri Ram Pandey, Village + PO Hisar, District Darbhanga
58. Smt. Nila Devi, wife of Sri Bhupendra Singh, Village Chintawanpur, P.S. Pipra District East Champaran
59. Smt. Niki Kumari, wife of Sri Nandu Rai, D/O Sri Ramesh Kumar Singh, Village Balua Tola, Motihari, P.S. Motihari, District East Champaran
60. Smt. Anju Kumari, wife of Sri Pramod Rai, D/o Satyendra Prasad Singh, resident of Village Chaudhary Tola Ashram Road, Raxaul, District East Champaran.
61. Smt. Guriya Kumari, wife of Sri Vijay Kumar Singh, D/O Satyendra Prasad Singh Village Chaudhary Tola Ashram Road Raxaul, P.S. Raxaul, District East Champaran
62. Smt. Kismalti Devi, wife of late Namdeo Thakur, Village Mishroliya, P.S. Chiraiya, District East Champaran
63. Smt. Manju Devi, wife of Sri J.K. Rai, D/O Vishwanath Singh, New Colony, Bettiah, P.S. Bettiah Town, District West Champaran.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Amar Nath Mishra,
Mr. Brajnandan Singh
Mr. Sahja Nand Sharma, Advocates.

For the Respondent/s : Mr. Raghwanand,
Mr. Sanjay Kimar Tiwari, Advocates.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

11 18-09-2015 Heard the parties.

In the present appeal the appellant is challenging the order dated 22.8.2014 passed by Sub Judge VI, Motihari in Partition Suit No.178 of 1995 by which the court below has rejected the injunction petition.

This Court is not going to adjudicate the merit of the case as it is suit of 1995, 20 years have already elapsed still the parties are filing interlocutory petitions and seeking interim relief one way or the other, in that manner it will not come to an end ever.

Here appellant is one of the co-sharer of the joint family property claiming the exclusive possession of the Cinema Hall was running by him but the present contesting respondents have illegally locked the Cinema Hall without any rhyme and reason. The court below has refused to grant any relief to present appellant.

This Court feels that in stead of adjudicating the present case on merit, the suit itself be adjudicated and prodeeding should come to an end. The main dispute is with regard to possession of Cinema Hall whoever is in possession of Cinema Hall, never would like the proceeding of the suit be concluded.

In such view of the matter, this Court directs the court below to conclude the trial on day to day basis within a period of six months from the date of receipt/production of a copy of this order and the court below will not grant any unnecessary adjournment to any other party. All petitions or

future petition will be decided along with suit, not passing any interim order. The court below while deciding the suit will consider the claim of appellant of having paid tax to keep the Cinema Hall running and would pass order in accordance with law.

With the aforesaid observation and direction this appeal is disposed of.

(Shivaji Pandey, J)

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