

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.167 of 2009

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Md.Ilyas			Appellant/s
	Versus		
Md.Khalil & Ors			Respondent/s

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with
Miscellaneous Jurisdiction Case No.1448 of 2015
IN
SA 167 of 2009

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Md. Ilyas			Petitioner/s
	Versus		
Md. Khalil & Ors			Respondent/s

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Appearance :
(In SA No.167 of 2009)
For the Appellant/s : Mr. Sharda Nand Mishra
Mr. Dhananjay Kumar Gupta
For the Respondent/s : Mr.
(In MJC No.1448 of 2015)
For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

17 23-11-2015 Heard Mr. Sharda Nand Mishra, learned Counsel

appearing on behalf of the appellant in the Interlocutory Application
(I.A. No. 471 of 2014). Learned Counsel for the respondent No. 1
and the learned Counsel for the respondent No. 4 are present.
Nobody has appeared on behalf of the other respondents when the
matter has been called out.

It appears that by earlier order dated 22.7.2014, this Court
has taken into notice the stand and undertaking on behalf of
respondent No. 1 that he would not make any construction over the
suit land. By the same order, however, the notice was issued to the
respondent No. 4 in the Interlocutory Application along with an
interim order restraining respondent No. 4 Md. Munna from making

any further construction over the suit land.

Mr. Mishra, learned Counsel for the appellant, has categorically submitted that the relief for injunction is confined as against respondent Nos. 1 and 4 alone as they have been attempting to make construction over the suit land.

Learned Counsel for respondent No. 1 has reiterated his stand and undertaking on behalf of respondent No. 1 that no construction would be made over the suit land during pendency of this appeal. Learned Counsel appearing for respondent No. 4 has also stated before the Court that no construction will be made by respondent No. 4 over the suit land during pendency of this appeal.

In view of the aforesaid undertaking and stand on behalf of respondent Nos. 1 and 4 there is now no need to pass any specific restraint order against them.

The Interlocutory Application (I.A. No. 471 of 2014) is accordingly disposed off in view of the aforesaid undertaking on behalf of respondent Nos. 1 and 4.

Mr. Mishra, learned Counsel for the appellant, who has filed MJC No. 1448 of 2015, after some argument has prayed to withdraw the same.

The prayer is allowed. The said MJC No. 1448 of 2015 is accordingly dismissed as withdrawn.

Snkumar/-

(V. Nath, J.)

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