

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.542 of 2004

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Md.Zaffiruddin @ Zaffer Imam, son of Asdar Mallick, resident of Mohalla-
Palmar Ganj Town, Lohardaga, P.S. and District- Lohardaga.

..... defendant.....appellant

Versus

1. Masuda Khatoon, wife of Asdar Mallick, resident of Mohalla –Palmar Ganj
Town, Lohardaga, P.S. and District- Lohardaga.

2. Aquila Khatoon, wife of Md. Ibrar Ahmad, resident of Mohall Shakh Alam
Chak Town- Jehanabad, P.S.-and District- Jehanabad.

both at present residing in village- Sugawn Tola Bagwar, P.S.-
Makhdumpur, District-Jehanabad.

plaintiffs.... Respondent/s

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Appearance :

For the Appellant/s : Mr. MRIGENDRA KUMAR

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 09-03-2015

Heard learned counsel for the appellant.

2. Perused report of the Court below indicating in the original suit
that arguments are going on.

3. Since this Appeal has been preferred against order dated
09.09.2004 passed under Order 40 Rule 1 CPC in Partition Suit NO. 111 of 2001
by the 1st Sub-Judge, Jehanabad directing the parties to maintain status quo till
disposal of the suit about 11 years have already lapsed and as stated main suit has
arrived almost at its conclusion stage.

4. In that view of the matter, there appears no reason to keep this
Appeal pending. Accordingly, disposed of without any adjudication on merit and
including getting any right of the party concerned with a direction to the court
below to conclude the trial and disposed it of definitely well within three months.

(Akhilesh Chandra, J)

Ashwini/-

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