

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.446 of 2013

- =====
1. Janardan Pandey, son of Tileshwar Pandey.
 2. Shankar Sharan Pandey.
 3. Devendra Kumar Pandey.
 4. Shailendra Kumar Pandey.
 5. Santosh Kumar Pandey.
 - All 2 to 5, sons of Janardan Pandey.
 6. Ruby Devi, daughter of Janardan Pandey.
 7. Srikant Pandey, son of Tileshwar Pandey.
 8. Manoj Kumar Pandey.
 9. Manish Kumar Pandey.
 - Both 8 and 9 sons of Srikant Pandey.
 10. Munnii Devi.
 11. Jhunni Kumari alias Jhunni Devi.
 - Both 10 and 11 daughters of Srikant Pandey.
 12. Mosmat Indu Devi, widow of Late Srinandan Pandey.
 13. Runni Devi, daughter of Late Srinandan Pandey.
 14. Rajkumar Pandey, son of Late Srinandan Pandey.
 15. Bittu Pandey (minor), son of Late Srinandan Pandey.
 - Under guardianship of their mother Mosmat Indu Devi.
 - All 1 to 15 residents of village-Tiyay, Post-Chewada, P.S. Karandey, District-Sheikhpura.

.... Plaintiffs-Appellants.

Versus

1. Balmiki Yadav, son of Late Guhan Yadsav.
2. Sukhdeo Yadav, son of Balmiki Yadav.
- Both resident of village-Tiyay, Post-Chewada, P.S. Karandey, District-Sheikhpura.
-Defendant-Respondent Ist Party.
3. Most. Shakuntala Devi, widow of Late Ramakant Pandey, resident of village-Tiyay, Post-Chewada, P.S. Karandey, District-Sheikhpura, at present residing at village-Baijnathpur, Mohalla-Mubarakchak, P.O. and P.S. Wajirganj, District-Gaya.
-Defendant-Respondent IInd Party.
4. Krishnadeo Yadav, wife of Dhaneshwar Yadav, resident of village-Tiyay, Post-Chewada, P.S. Karandey, District-Sheikhpura.

.....Defendant-Respondent IIIrd Party.

.... Respondents.

=====

Appearance :

For the Appellants : Mr.

For the Respondents : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 21-04-2015

Heard learned counsel for the appellants.

2. The plaintiffs-appellants have filed this Misc. Appeal under Order XLIII Rule 1(r) of the Code of Civil Procedure against the Order dated 30.04.2013 passed in Title Suit No.15 of 2011, whereunder Sub Judge-I, Sheikhpura, rejected the injunction application filed on their behalf under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, to restrain the defendant nos.1 and 2/Respondent Ist Party not to interfere in the suit land.

3. From perusal of the impugned order, it appears that the learned Sub Judge-I, Sheikhpura, on hearing the submission of the parties and considering the materials available on the record arrived at the conclusion that the defendant no.3/Respondent no.3 has executed the sale deed in respect of the suit land in favour of the defendant nos.1 and 2/Respondent Ist Party regarding the share of her late husband and unless and until the decision is not taken regarding the share of the suit land, it would not be proper to restrain the defendant nos.1 and 2/Respondent Ist Party not to interfere in the suit land and, accordingly, rejected the injunction application filed on their behalf under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, to restrain the defendant nos.1 and 2/Respondent Ist Party not to interfere in the suit land.

4. I find no illegality in the impugned order. Accordingly, this Misc. Appeal stands dismissed.

(Rajendra Kumar Mishra, J)

P.S./-

U			
---	--	--	--