

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.471 of 2012

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Tushant Singh & Ors

.... Appellant/s

Versus

Chitranjan Kumar Singh & Anr.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

16 29-01-2015

Heard learned senior counsel Mr. S.S. Dwivedi for the

appellants and learned senior counsel Mr. Lalit Kishore for the
respondents under Order 41 Rule 11 of the Code of Civil
Procedure.

2. Earlier in admission matter notices were issued to
the respondents. After notice, the respondents have appeared.

3. This miscellaneous appeal has been filed by the
defendants-appellants against the order dated 14.05.2012 passed
by 2nd Subordinate Judge, Patna in Title Suit No.467 of 2008
whereby the court below has allowed the injunction application
filed by the plaintiffs-respondents and directed the parties to
maintain status quo.

4. It may be mentioned here that during the pendency
of this miscellaneous appeal appellant no.1, Lila Devi died. It is
admitted fact that the other appellants and respondents are the sons
and daughter of Lila Devi. The learned counsel appearing on

behalf of both the parties submitted that in view of the fact that both the parties have got share in the suit property, they will not sell/transfer the suit property without permission of the Court during the pendency of the suit. The learned counsel further submitted that the court below be directed to dispose of the Title Suit No.467 of 2008 expeditiously because the issues have already been framed in the suit and the evidence of plaintiffs is going on. The learned counsel for both the parties assured this Court that the respective parties shall assist the court below in disposing of the suit expeditiously without taking unnecessary time/adjournment.

5. In view of the aforesaid submission of the learned counsel for the parties, the order impugned dated 14.05.2012 passed by 2nd Subordinate Judge, Patna in Title Suit No.467 of 2008 is hereby modified to the extent that the parties shall not transfer/alienate the suit property during the pendency of the title suit without permission of the Court. The court below shall try to dispose of the suit as expeditiously as possible in view of the fact that the evidence of the plaintiffs is going on and the parties are directed not to take unnecessary adjournment in the suit.

6. Thus, this miscellaneous appeal is disposed of with the aforesaid directions.

(Mungeshwar Sahoo, J)

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