

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.418 of 2009

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1. Ram Kripal Yadav, son of Late Sitai Yadav.
 2. Shripal Yadav, son of Late Sitai Yadav.
 3. Jiwachchi Devi, wife of Late Sitai Yadav.
 4. Smt. Phulo Devi, wife of Jhapasi Yadav, all 1 to 4 are residents of village-Sirpur Dati Tole Tetraha, P.O. Kakana, P.S. Pandaul, District-Madhubani.
 5. Smt. Kumari Devi, wife of Ram Sarovar Yadav, resident of village-Gariya, P.O. Lohat, P.S. Pandaul, District-Madhubani.
 6. Smt. Ruko Devi, wife of Ram Nandan Yadav, resident of village-Mohanpur, P.O. Sirpurhati, P.S. Pandaul, District-Madhubani.
 7. Smt. Inar Devi, wife of Budhu Yadav, resident of village-Keuta, P.O. Lota, P.S. Kaluahi, District-Madhubani.

.... Defendants/Appellants.

Versus

1. Ram Babu Yadav, son of Late Yogendras Yadav alias Yogi Yadav.
2. Yamuna Yadav, wife of Late Yogendra Yadav.
3. Chandra Kala Devi, wife of Late Yogendra Yadav, all 1 to 3 are residents of village-Sirpur Dati Tole Tetraha, P.O. Kakana, P.S. Pandaul, District-Madhubani.

.... Plaintiffs/Respondents.

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Appearance :

For the Appellants : Mr. Gagandeo Yadav, Advocate.

For the Respondents : Mr. Prabhash Ranjan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 19-03-2015

Heard learned counsel for the appellants and the Respondents.

2. This Miscellaneous Appeal has been filed under Order XLIII Rule 1(r) of the Code of Civil Procedure against the order dated 07.07.2009 passed in Partition Suit No.114 of 2005 by the Sub Judge-IV, Madhubani, directing the parties to maintain status quo by disposing of the application dated 01.07.2009 filed on behalf of the plaintiffs-Respondents under Order XXXIX Rule 1, 2 of the Code of

Civil Procedure and allowing the amendment application filed on their behalf on 01.07.2009.

3. It appears that the plaintiffs-Respondents filed Partition Suit No.114 of 2005 against the defendants-appellants for the partition of 3/10th share. During the pending of the aforesaid Partition Suit, plaintiffs-Respondents filed an application under Order XXXIX Rule 1, 2 of the Code of Civil Procedure restraining the defendants-appellants for raising construction on 01.07.2009. The learned Sub Judge-IV, Madhubani, on hearing the application filed on behalf of the plaintiffs-Respondents on 01.07.2009 ordered to maintain status quo and disposed of the injunction application accordingly and also allowed the amendment application filed on their behalf subject to the payment of cost of Rs.500/- through the impugned order.

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

(Rajendra Kumar Mishra, J)

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