

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.345 of 2014

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1. Kapil Deo Jha @ Kapil Deo Das, Son of Late Dhrub Narayan Jha @ Yugal Narayan Das, Resident of Village - Shambhu Aad Pragana Hati, P.S. and Sub Registry - Madhubani, District - Madhubani.

.....Defendant 1st Set/Appellant 1st Set

2. Mod Narayan Jha, Son of Sadanand Jha, Resident of Village - Dhanga Pachhwaditole Pragana Jarail, P.S. - Arer, Sub Registry - Benipatti, District - Madhubani.

.....Defendant 2nd Set/Appellant 2nd Set

Versus

1. Sri Sri 108 Ram Janki Mandir Asthan Kaitola (Kanhara Baba Bairagi Asthan Kaitola) Shabh Aar through its Sabait Mahadeo Thakur, Son of Loan Thakur, Resident of Village - Shambhu Aad Tole Kaitola, Anchal + P.S. and District - Madhubani.
2. Ranjit Paswan, Son of Shambhu Paswan, Resident of Birsapar, P.S. - Pandaul, District - Madhubani.
3. Krishna Kumar Shukla, Son of Vishwanath Shukla, Resident of Village - Dagermitti, P.O. - Shambhu Aar, P.S. and District - Madhubani.
4. Rupesh Yadav, Son of Vishwanath Yadav, Resident of Village - Kasiana Maure, Keshopur, P.S. and District - Madhubani.

.....Plaintiffs/Respondent 1st Set.

5. Saket Kumar, Son of Sri Sheo Shankar Prasad Mahadeo, Resident of Village - Bhaura Ward No. 27, P.S. and District - Madhubani.

.....Defendant 2nd Set/Respondent 2nd Set

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Appearance :

For the Appellant/s : Mr. Raj Kumar, Advocate
Mr. Ratanakar Jha, Advocate
Mr. Praveen Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 09-02-2015

This file is brought under the heading “**For Hearing Under Order XLI Rule 11 CPC**”.

2. Heard learned counsel for the appellants.

3. This is an appeal preferred by the defendants-appellants, who by the impugned order dated 2nd May, 2014 passed by learned Sub-Judge - Ist, Madhubani in Title Suit No. 415 of 2013, have been debarred from selling the suit land till final execution of the final suit and simultaneously both sides have been ordered to maintain *status quo* in view of earlier order passed in a suit on 19th December, 2013.

4. Learned counsel for the appellants, after submitting that plaintiffs have no *locus standi*, agrees in the event liberty is granted to meet the necessities if transfer of land is made with due permission of the court in *seisin* after hearing both the sides and simultaneously suit be also proceeded expeditiously and decided at the earliest and the parties putting any

hindrance may be taken to task with iron hands.

5. Finding substance in the prayer, this appeal stands disposed of with liberty indicated above. Simultaneously, court below is directed to do all the needful to proceed and conclude the suit at the earliest.

(Akhilesh Chandra, J)

Praveen-II/-

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