

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.185 of 2011

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Naseem Haidar, son of kate Syed Ghani Haidar, Resident of Mohalla
– Chandmari, P.O. and P.S. – Motihari, District – East Champaran.

-----Plaintiff---Appellant

Versus

1, Syed Rafique Haidar son of Late Syed Ghani Haidar, Resident of
Mohalla – Chandmari, P.O. and P.S. – Motihari, District – East
Champaran.

----Defendant 1st Party---Respondent 1st Party

2. Mumtaz Jahan, daughter of Late Syed Ghani Haidar, Resident of
Mohalla – Chandmari, P.O. and P.S. – Motihari (Town), District –
East Champaran.

3. Bibi Asma Irshad wife of Irshad Ahsan, daughter of Late Syed
Ghani Haidar, Resident of Mohalla – Chandmari, P.O. and P.S. –
Motihari (Town), District – East Champaran.

4. Mustaque Farooqui, son of late Razzaque Farooqui, Resident of
Mohalla – Chandmari, P.O. and P.S. – Motihari (Town), District –
East Champaran.

-----Defendant 2nd party --- Respondent 2nd Party

5. Jawed Farooqui, son of name not known to the appellant C/o –
Sunil Kumar Sah, resident of mohalla – Mathiya, P.O. Motihari, P.S.
– Chatauni, District – East Champaran.

-----Defendant 2nd Party --- Respondent 2nd Party

6. Alok Kumar Jha, son of Late Madan Mohan Jha, resident of
village- Raghunathpur, P.O. Motihari (Town), P.S. – Turkauliya,
District – East Champaran.

7. Sunil Kumar Jaiswal, son of Nagendra Prasad Jaiswal, resident
of mohalla – Chatauni, P.O. Motihari, P.S. – Chatauni, District –
East Champaran.

----Defendants 4th Party --- Respondents.

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Appearance :

For the Appellant/s : Mr. Raghib Ahsan, Sr. Advocate
Mr. Atif Inam, Advocate
For the Respondent/s : Mr. Dilip Kumar Tondon, Advocate
Mr. Arun Kumar Gupta, Advocate
Mr. V.S. Modi, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL JUDGMENT
Date: 12-02-2015

Heard learned counsel for the parties.

2. This is an appeal preferred against order dated 21.01.2011 passed by Sub-Judge – VI, Motihari, in P.S. No. 188/2010, refusing prayer of injunction made by plaintiff appellant seeking an order of restrain against defendant respondents no. 1 & 2 from alienating suit properties.

3. It is undisputed now that power of attorney executed by defendant nos. 1 to 6 and defendant nos. 5 to 7 which have already been canceled, and none of the defendants intend to alienate any property. Now, there is agreement between the learned counsel representing the parties that in the event there is any necessity to execute any deed with respect to subject matter of the suit parties may do so, but, only after obtaining due permission from the court below who shall, on the prayer, if any, made by either of the side after hearing all concerned, pass appropriate order.

4. Finding substance in the submissions above on the agreement indicated, this appeal stands disposed of at this stage, and court below is expected to give respect to such agreement.

Rajeev/-

(Akhilesh Chandra, J.)

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