

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.502 of 2013

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1. Santosh Kumar Pandey, son of Late Narendra Kumar Pandey
 2. Smt. Baidehi Devi, wife of Santosh Kumar Pandey
- Both residents of village – Madhopatti, P.S. – Kamtaul,
District - Darbhanga

-----Plaintiffs-----Appellants

Versus

1. Birendra Kumar Pandey, son of Santosh Kumar Pandey
 2. Smt. Indu Devi, wife of Birendra Kumar Pandey
 3. Deepak Kumar Pandey, son of Birendra Kumar Pandey
 4. Priya Kumari, daughter of Birendra Kumar Pandey
- All residents of village – Madhopatti, P.S. – Kamtaul, District
– Darbhanga. At present Mohalla – Koeri Tola (Near Sona
Talkies) Raksaul, District – Motihari, East Champaran.
5. Renuka Mishra, wife of Shankar Sharan Mishra, resident of
Mohalla – Jurawan Singh Near Ganesi Temple, P.O. –
Lalbagh, P.S. – Town, District – Darbhanga.

----- Defendants-----Respondents

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Appearance :

For the Appellants	:	Mr. Sameer Ranjan, Advocate
For the Respondent No. 1 to 4	:	Mr. Atul Chandra, Advocate
For the Respondent No. 5	:	Mr. Uma Shankar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL JUDGMENT

Date: 23-02-2015

Heard learned counsel for the parties.

2. Learned counsel for the parties agreed
to get this Appeal disposed of under Order XLI Rule
11 of the Code of Civil Procedure.

3. This Appeal has been preferred
against order dated 16.04.2013, passed by Sub-

Judge – V, Darbhanga, refusing prayer of ad-interim injunction made by Plaintiffs-Appellants in Partition Suit No. 148/2012.

4. Undisputedly, the subject matter of the suit is ancestral property of the parties and respondents are son, daughter-in-law and grand children and daughter of the plaintiffs-appellants.

5. After some arguments, learned counsels appearing and representing the parties are in agreement that none of the side shall execute any deed or transfer or putting encumbrance on the subject matter of the suit without specific permission of the court-in-seisin, who in the event of any necessity and on filing of the application by either of the side after hearing all concerned, shall, if required, pass necessary orders.

6. It is also agreed that party shall cooperate in early disposal of the case preferably within six months. Court below shall proceed expeditiously and if either of the side fails to cooperate without any reasonable cause shall deal with them with firm and strong hands and shall also not hesitate in passing any adverse orders against them or depriving them from contest or proceedings with the suit.



7. Finding substance in the aforesaid submissions, this Appeal is hereby disposed of without any adjudication on merit but with a direction to the parties to abide by the agreement and to file due application before the court below to the extent as indicated above. Simultaneously, court below is directed to proceed expeditiously and decide the suit at the earliest.

(Akhilesh Chandra, J.)

Rajeev/-

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