

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.690 of 2016**

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Birendra Kumar Singh

.... Appellant/s

Versus

Rajeshwar Singh & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar Dipak

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 23-09-2016

Heard the learned senior counsel, Mr. Dhruv Narain for the petitioner and the learned counsel, Mr. Patanjali Rishi for the respondents.

It appears that injunction application was allowed in the trial court. Appeal was filed by the respondent being Misc. Appeal No.10 of 2016 C/s No.10 of 2016 in the Court of District Judge, Aurangabad. While admitting the appeal and issuing notice, the lower appellate court has directed the parties to maintain status quo. The petitioners, who are respondents in the miscellaneous appeal, instead of appearing before the lower appellate court have filed directly this Civil Miscellaneous application before this Court challenging that part of the order whereby the learned Court below has directed to maintain status quo in the meantime.

Since the order passed by the Court below is purely temporary in nature till the appearance of the respondent-

petitioner, I am not inclined to interfere with the impugned order.

The petitioners are directed to appear before the Court below and pray for either vacating the interim order and for disposal of the miscellaneous appeal itself on merit.

Thus, this Civil Miscellaneous application is disposed of with the aforesaid direction.

(Mungeshwar Sahoo, J)

Saurabh/-

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