

Tejbal
Tokiyal

1. Sams
2. Jabba
3. Jabba
Lachpu
4. The S
5. Depu
6. Circle

.... Petitioner.

1. Samsuddin Miayn Son of Meda Miyan @ Haffiruddin Miyan
2. Jabbar Miyan Son of Mokim Miyan
3. Jabbar Miyan Son of Mokim Miyan Both are resident of village-
Lachpur, P.O- Ratanpura, P.S- Gopalpur, District- Gopalganj.
4. The State of Bihar through Collector, Gopalganj.
5. Deputy Collector Land Reform Gopalganj, Distt- Gopalganj.
6. Circle Officer Kuchaikote, Distt- Gopalganj.
7. Secretary Bihar Bhoodan Yogya Committee Arar More, Distt .
Gopalganj.

.... Respondents

For the Petitioner/s : Mr. Jitendra Kumar Shrivastava, Adv.
For the Respondent/s : Mr. Sc13- Arvind Kumar-1

2 27-06-2016 Heard Mr.Jitendra Kumar Srivastava, learned
counsel for the petitioner.

The petitioner is aggrieved by the appellate order passed in the injunction appeal by which the appellate court below has directed the parties to maintain status quo over the suit property till the disposal of the suit.

The learned counsel for the petitioner has submitted that the order passed by the appellate court below was an ex parte order as the petitioner who has a vital interest in the suit property has not been heard. However, it does not appear from

the record nor there is averment in the petition that the petitioner approached the appellate court below for recall of the ex parte order at any point of time. As the petitioner is entitled to file appropriate petition before the appellate court below in view of the order having been passed ex parte, this Court is not inclined to exercise the jurisdiction under Article 227 of the Constitution of India in the present facts and circumstances.

The learned counsel for the respondents is present and has raised no objection to the legal remedy available to the petitioner to approach the learned court below with a prayer to recall the order which according to him has been passed ex parte.

The application is accordingly dismissed with aforesaid observation.

(V. Nath, J)

Nitesh/-

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