

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10226 of 2014

=====

1. Bindeshwar Prasad Sah @ Bindeshwari Prasad
2. Kameshwar Sah
3. Akhileshwar Sah @ Akhilesh Singh All sons of Late Sumeshwar Sah and All
resident of Mauza Sikariyan, P.S. Karakat (Gorari), District- Rohtas

.... Petitioner/s

Versus

1. Rajgrih Sah
2. Uma Shankar Prasad both sons of Late Jamuna Prasad
3. Ramashankar Sah S/o Late Sarju Prasad
4. Srinath Sah S/o Late Bhuneshwar Kanu All resident of village- Sikariyan, P.O.-
Sikariyan, P.S. Karakat, District- Bhojpur
5. Ramesh Kumar
6. Umesh Sah both sons of Late Ayodhaya Sah
7. Pawan Prasad
8. Samir Prasad both sons of Late Dinesh Sah
9. Sanjay Sah
10. Pintu Sah both sons of Shiv Pukar @ Bhutan Sah All are resident of village-
Sikariya, P.S.- Karakat (Gorari), District- Rohtas
11. Ashok Kumar Sah S/o Late Sumeshwar Sah resident of village- Sikariyan, P.S.-
Karakat (Gorari), District- Rohtas

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 27-06-2016

Heard Mr. Aditya Narayan Singh, learned counsel
for the petitioners and also the learned counsel for the respondents.

By the impugned order, the learned lower appellate
court in the appeal has directed the parties to maintain status quo over
the suit property with a direction to the court below to dispose of the
suit within five months from that date.

Learned counsel for the petitioners submits that though in the impugned order, the learned lower appellate court has directed the parties to co-operate in disposal of the suit but the plaintiff is not cooperating with the suit and the matter is lingering for that reason. It has also been submitted that the learned court below has not considered the ingredients of prima facie case and irreparable injury before passing the impugned order. It has, however, been accepted on behalf of the petitioners that according to the case of the petitioners, possession of the suit premises is with the petitioners and there is no interference from any quarter in the possession of the petitioners.

After considering the submissions and perusal of the impugned order, this Court finds that no case is made out for interference with the impugned order in this application filed under Article 227 of the Constitution of India. This application is, accordingly, dismissed.

(V. Nath, J)

Amin/-

U			
---	--	--	--