

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.385 of 2016**

- =====
1. Abdul Mannan son of Late Hazi Abdul Subhan
 2. Badrum Nisha, wife of Abdul Mannan
 3. Md. Wasim,
 4. Md. Asif Eqbal,
 - Both sons of Abdul Mannan,
 5. Md. Salauddin
 6. Md. Ashad Ullah,
 7. Md. Afaque,
 8. Md. Ammanullah,
 9. Md. Mohsin

Petitioners No. 5 to 9 are minor sons of Abdul Mannan, under natural guardianships of their father aforesaid.

All residents of Mohalla- Mirzapur Hat Par, Nawada, P.S./P.O./District-Nawada

.... Appellants

Versus

1. Bibi Raziya Khatoon @ Seema, wife of Late Manjar Alam and daughter of Md. Qayum @ Kamo, resident of Mohalla- Sonar Patti, Beli Sharif, Nawada, P.S./P.O./Distt.- Nawada

.... Respondent 1st Set

2. Leena Kumari, W/o Sri Rajeev Kumar, R/o Moh.- Bundelkhand, Par Nawada, P.S./Distt.-Nawada

.....Respondent 2nd Set

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Appearance :

For the Appellant/s : Mr. Sidhendra Narayan Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 28-11-2016

Heard learned counsel for the petitioners and learned
counsel for the respondent.

On 19.08.2016 notices were issued to the respondents
in admission matter and in the meantime, the parties were directed
to maintain status quo. The respondents have already appeared. It
appears that the dispute between the parties is regarding the share
in the suit property. There is a compromise award passed by the
Lok Adalat. The defendant-respondent is a widow. However, the

learned counsel for the respondent submitted that she had sold only a part of the suit property. After she sold the property, the injunction application was rejected by the trial court on the ground that since sale deed has already been executed, no purpose will be served by granting injunction. On appeal the lower appellate court also on this ground dismissed the appeal.

At the time of hearing of the civil miscellaneous case the learned counsel for the defendant-respondent submitted that there is no fresh cause of action accrued to the petitioners because at that time urgency was there. Therefore, she had sold the property but now she is not desirous of further selling the property in the suit. If at all, there will be any necessary then she will obtain permission from the court.

In view of the above facts and submission of the learned counsel for the defendant-respondent that the respondent shall not sell the property without the permission of the court, this civil miscellaneous application is disposed of with this observation that the defendant-respondent shall not sell the property without the permission of the court.

(Mungeshwar Sahoo, J.)

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