

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13363 of 2015

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1. Ragunath Yadav Son of Late Rudal Yadav, Resident of village + P.O. Barwat Sena, P.S. Bettiah (Mufassil), District- West Champaran

.... Petitioner/s

Versus

1. Biswanath Yadav, Son of Late Laxami Yadav
2. Hira Kuar wife of Late Langar Yadav
3. Rajesh Yadav
4. Munna Kriyadav @ Munna Kumar
5. Jhunnu Kumar @ Jhunnu Kumar All are sons of Late Langar Yadav
6. Sobha Devi, wife of Jhaman Yadav, D/o Langar Yadav
7. Sahdeo Yadav
8. Lagan Yadav Both are sons of Late Laxaman Mahto All all are resident of village + P.O. Brawat Sena, P.S. Bettiah (Muffasil), District- West Champaran
9. Madhuri Devi, wife of Badari Yadav, D/o Late Laxaman Yadav
10. Usha Devi, D/o Badari Yadav
11. Rang Lal yadav son of Badari Yadav
12. Munna Yadav son of Badari Yadav
13. Tunnu Yadav, son of Badari Yadav All are resident of village Jaukatia, P.O. Jaukatia, Badari Yadav, P.S. Majhauria, Distt.- West Champaran
14. Binay Bihari Verma S/o Madan Mohan Sahay
15. Mukesh Kumar Sahay, Son of Lalan Sahay Both are Resident of village- Areraj, P.O. Areraj, District- East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 13-05-2016 Heard Mr. Akhileshwar Kumar Srivastava, learned
counsel for the petitioner.

By the impugned order dated 28.04.2015 the learned
Additional District Judge, 4th, West Champaran, at Bettiah set
aside the status quo order passed by the trial court in partition suit
no. 166 of 2010.

It is admitted fact as has been submitted by the learned counsel for the petitioner that still the injunction application is pending for disposal before the trial court. During the pendency of the injunction application status quo was passed which was challenged before the lower appellate court in M.A. No. 04 of 2014. The appellate court considering the facts and circumstances held that the order is in the nature of injunction and accordingly set aside the same.

Since the Injunction application is still pending between the parties the petitioner may get the injunction application disposed of.

The observation/finding if any recorded by the appellate court while setting aside the status quo order shall not prejudice either of the party in the hearing of the Injunction application which is still pending. In view of the above fact that Injunction application is still pending I am not inclined to interfere with the order passed by the appellate court in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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