

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.497 of 2013

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1. Rubi Devi W/O Sri Vijay Kumar Resident Of Village- Sinduria, P.S- Bairginia, District- Sitamarhi.

2. Vijay Kumar S/O Sri Ram Chandra Sah Resident Of Village- Sinduria, P.S- Bairginia, District- Sitamarhi. Appellant/s

Versus

1. Mahima Devi Jha W/O Sri Ghanshyam Jha Resident Of Village- Baghi, P.S- Sugauli, District- East Champaran.

2. Mandakini Devi W/O Late Ram Lagan Sah Address Not Mentioned In List.

3. Pradeep Kumar S/O Late Ram Lagan Sah Address Not Mentioned In List. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha -Advocate

For the Respondent/s : Mr. Alok Kumar Jha -Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

7 15-07-2016

Heard the parties.

Appellant/defendant has challenged order dated 27.05.2013 passed by Sub Judge-1st, Sitamarhi in Title Suit No.358/2010 whereby and whereunder appellant/defendant has been directed to maintain status-quo till disposal of the suit as well as they have also been forbidden from making any new construction over disputed plot.

After going through the order impugned inconsonance with the Annexures, it is evident that both the parties are purchasers of same plot number from the same vendor. While the sale deed dated 14.05.2008 having in favour of respondent/plaintiff contains the village-Sinduria, the sale deed dated 05.03.2010 having in favour of appellant/defendant contains the village-Bhakurhar. It is also evident from the order impugned

that in both the sale-deeds, it has been incorporated that source of land happens to be purchase made by husband of Malkini Devi as well as father of Pramod Kumar, vendor vide sale-deed no. 6022 and 6023 dated 29.06.83 of the lands lying at village-Bhakurhar.

Respective learned counsels are unaware whether vendors who happen to be defendant nos.3 and 4 before the learned lower court, have appeared or not as well as, after appearance filed WS.

Because of the fact that this Title Suit happens to be of the year 2010 and further, within any finding over proper identification of land at the present moment will jeopardize the interest of either of the parties and on account thereof, forbidding the same it looks better to direct the learned lower court to proceed with the trial and conclude the same within six months without granting any undue adjournment to either of the party.

Learned respective counsels have assured that the parties will give their active assistance to the court in getting the suit disposed of within the aforesaid stipulated time.

Accordingly, the instant petition is disposed of in terms as indicated above. Till then, parties will maintain status-quo.

(Aditya Kumar Trivedi, J)

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