

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.453 of 2010

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GAJENDRA PRASAD, SON OF LATE SHEODHAR PRASAD
RESIDENT OF MOHALLA-NASRIGANJ, POST OFFICE- DIGHA,
POLICE STATION-DANAPUR, DISTRICT-PATNA.

.... APPELLANT/S

VERSUS

1. SMT. ANUPAMA DEVI WIFE OF LATE NARENDER PRASAD.
2. VISHAL RAJ, SON OF LATE NARENDER PRASAD.
BOTH RESIDENT OF MOHALLA-SARISTABAD, POLICE
STATION-GARDANIBAGH, DISTRICT-PATNA.
3. SHRI PRABHANJAN KUMAR SON OF LATE RAJENDRA
PRASAD, RESIDENT OF BALDEO BHAWAN CHITKOHRA
BAZAR, POLICE STATION-GARDANIBAGH, DISTRICT-PATNA.
4. DR. SUDHIR KUMAR AMAN, SON OF LATE GULLI RAM
RESIDENT OF LAKHRAO, P.S.-KATIYAN, DISTRICT-
GOPALGANJ.

.... RESPONDENT/S

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Appearance:

For the Appellant/s : Mr. Rajendra Narayan, Sr. Adv.
Mr. Ashok Nandan Prasad, Adv.
Mr. Satya Ranjan Sinha, Adv.
Mr. Seema Kumari, Adv.

For the Respondent/s : Mr. Devendra Kumar Sinha, Sr. Adv.
Mr. Gajendra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

22 01-02-2016 Heard learned counsel for the appellant as well as
learned counsel for the respondents.

Appellant have challenged the order dated
24.04.2010 whereby and whereunder prayer for grant of ad interim
injunction has been rejected by the learned lower court.

At the present moment, respective learned counsels
have stated that miscellaneous petition pending before the learned
lower court for recalling the ex-parte order passed in connection

with Title Suit No.546 of 2003 has been dismissed in default. That being so, instant petition lost its viability and has become infructuous and is being dismissed.

However, it is made clear that prayer in terms of ad interim injunction happens to be intermediary in nature and the parties will be at liberty to pray in case the circumstances so necessitated.

(Aditya Kumar Trivedi, J.)

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