

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5431 of 2011

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Smt. Talukraj Devi, wife of Sitaram Singh, resident of village-Redia, Post
Office-Telari, Police station-Chenari, District-Rohtas.

.... Petitioner/s

Versus

1. Ran Vijay Singh, son of late Mungeshwar Singh.
2. Barun Minor son of Ran Vijay Singh through and under the guardianship of father Ran Vijay Singh next friend, resident of village+P.O.- Manjhrahi, P.S. Aurangabad, Muffasil, District-Aurangabad (Bihar), at present Daltenganj, Mohalla-Abadganj, Bypass Road, P.O.+P.S. Daltenganj, By-pass Road, P.S.+P.O. Daltenganj, District-Palamu presently residing at Mohalla-Nepal, Itaky Road, Ranchi, Police station.
3. Abhay Kumar Singh, District Magistrate, Aurangabad.
4. Dr. Sidharth Jain, Superintendent of Police, Aurangabad.
5. Kameshwar Singh, Office-in-Charge, Mufassil, Police station-Aurangabad.
6. K.B. Prajwal, S.D.O., Aurangabad.
7. Birendra Kumar, C.O., Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

9 20-01-2016

Heard the learned counsel for the parties.

The present application has been filed under Order 39 Rule 2A of the C.P.C. alleging deliberate disobedience of the order of injunction passed by this Court on 04.07.2011 in S.A. No. 229 of 2011. The said order has been annexed with this application as Annexure-1. The concluding portion of the said

order reads as follows:-

“.....In the meantime, the respondent 1st set is hereby restrained from alienating the suit land. The appellant claims to be in possession of the suit land on the basis of delivery of possession through court as above described. The parties shall maintain status quo as existing today till further order....”

The learned counsel for the petitioner has submitted that the opposite parties had made attempts to dispossess the petitioner from the suit land and the matter has been reported to the police for appropriate action. It has however, been accepted by the learned counsel for the petitioner that the petitioner is in possession over the suit land.

The learned counsel appearing on behalf of the respondent nos. 1 and 2 against whom the allegation has been made has submitted that these respondents have never made any attempt to dispossess the petitioner and they have never contemplated the disobedience of the order passed by this Court.

After considering the submissions and the materials on record, it is manifest that the petitioner has not been dispossessed from the suit land and the said fact has also been

accepted on behalf of the petitioner. By order dated 04.07.2011, the parties were directed to maintain status quo as existing today till further order on the basis of the claim of the petitioner to be in possession over the suit land on the basis of delivery of possession through the court. As, there is no case of dispossession, the allegation of attempt to dispossess cannot be accepted as violation of the order passed by this Court.

Accordingly, this application has no merit and is dismissed, as such.

(V. Nath, J)

Devendra/-

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