

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1272 of 2016

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Neshat Ahmad

.... Petitioner/s

Versus

Afroz Ahmad & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 08-02-2016 The learned counsel, Mr. Jasbir Singh Arora, on behalf of the petitioner submitted that no doubt the trial Court granted injunction in favour of the petitioner and the appeal filed by the respondent was dismissed but while dismissing the appeal, the lower appellate Court in Misc. Appeal No.6 of 2015 in the last paragraph 8 has observed that in no case the order of status quo shall be extended. This observation of the Court of appeal below is prejudicial to the petitioner as taking advantage of this observation the respondent is loosely taking timing in the Court below to delay the disposal.

From perusal of the order of the lower appellate Court, it appears that the Misc. Appeal has been dismissed and the Court below has directed the parties to cooperate the Court and then held that in no case the order of status quo shall be granted. So far the

submission of the learned counsel for the petitioner that the petitioner is ready to take necessary steps for early conclusion of the trial but because of the respondent even still today no evidence has been started and, therefore, if that order is not modified, the petitioner shall suffer serious loss is concerned, it may be mention here that this Court in supervisory jurisdiction cannot go into the disputed questions of facts for the first time.

However if that observation is prejudicial to the petitioner and if the other side is taking advantage of the same, the petitioner is at liberty to move the lower appellate Court for appropriate order. If any application is filed before the lower appellate Court, the lower appellate Court shall dispose of the same according to law without being influenced by this order.

Thus, this writ application is disposed of with the aforesaid liberty.

(Mungeshwar Sahoo, J)

Sanjeev/-

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