

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1561 of 2016**

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Chandan Kumar

.... Appellant/s

Versus

Smt. Shanti Mishra & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bajarangi Lal

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 23-12-2016 Heard the learned counsel, Mr. Bajrangi lal for the

petitioner.

Perused the impugned order dated 31.08.2016 passed by

Sub Judge III, Samastipur in Title Suit No.216 of 2006 whereby

the learned Court below rejected the application filed by the

plaintiff-petitioner under Section 151 C.P.C. praying for removal

of the illegal construction which was constructed after passing of

the status quo order.

It may be mentioned here that by order dated

29.03.2002, Annexure 1, the Civil Judge(Sr. Div.) directed both

the parties to maintain status quo. There is no specific direction

restraining the respondent from making any construction.

The Hon'ble Supreme Court in the case of **Kishore
Kumar Khaitan and Anr. v. Praveen Kumar Singh, AIR 2006
Supreme Court 1474** has held that simply directing the parties to



maintain status quo without indicating what the status quo was, is not an order that should be passed at the initial stage of a litigation.” In the present case, as stated above, the trial court has only passed a status quo order.

According to the learned counsel for the petitioner, there is illegal construction which has been made after the passing of status quo order.

From perusal of the order directing the parties to maintain status quo, there is no status of the land was mentioned whether there was any construction or not and if there was any construction upto what extent. Moreover, the petitioner has filed separate miscellaneous case for disobedience of the order passed by the court below.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction and accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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