

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23528 of 2012**

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1. AKHILESH RAI, SON OF SACHITANAND RAI, RESIDENT OF VILLAGE - SOHNIPATTI, POLICE STATION AND DISTRICT - BUXAR

.... .... PETITIONER/S

VERSUS

1. RAM RAN VIJAY PRASAD PAL, SON OF LATE SHIV BARAN PRASAD RESIDENT OF VILLAGE - CHARITRABAN, POST OFFICE AND POLICE STATION - BUXAR, DISTRICT - BUXAR
2. SANTOSH NARAYAN PAL, SON OF RAM RAN VIJAY PRASAD PAL RESIDENT OF VILLAGE - CHARITRABAN, POST OFFICE AND POLICE STATION - BUXAR, DISTRICT - BUXAR
3. SANDHYA DEVI, WIFE OF MAHENDRA NATH PANDEY RESIDENT OF VILLAGE - DIHUPUR, POLICE STATION - NAWANAGAR, DISTRICT - BUXAR
4. SARASWATI DEVI, WIFE OF BANSI NARAYAN PANDIT RESIDENT OF PANDITPUR, POST OFFICE - ATAON, POLICE STATION AND DISTRICT - BUXAR
5. KAMLAWATI DEVI, WIFE OF MAHENDRA PRASAD UPADHYAY RESIDENT OF PITARAH, POLICE STATION - AGIAON BAZAR, DISTRICT - BUXAR
6. KAMLA PRASAD SINGH, SON OF LATE DHUR BIGAN SINGH RESIDENT OF VILLAGE - SAKHUANA, POLICE STATION - RAJPUR, DISTRICT - BUXAR
7. USHA DEVI, WIFE OF KAMESHWAR ROY RESIDENT OF VILLAGE - CHHITAN DIHRA, POLICE STATION - RAJPUR, DISTRICT - BUXAR
8. USHA DEVI, WIFE OF RAMESHWAR ROY RESIDENT OF VILLAGE - CHHITAN DIHRA, POLICE STATION - RAJPUR, DISTRICT - BUXAR
9. SEEMA DEVI, WIFE OF HARENDRA KUMAR ROY RESIDENT OF VILLAGE - CHHITAN DIHRA, POLICE STATION - RAJPUR, DISTRICT - BUXAR
10. INDU DEVI, WIFE OF DHANANJAY PANDEY RESIDENT OF VILLAGE - JAMAULI (KARAILA TOLA), POLICE STATION - RAJPUR, DISTRICT - BUXAR
11. LALITA DEVI, WIFE OF KANHAIYA CHAUBA RESIDENT OF VILLAGE - JALHARA, POLICE STATION - RAJPUR, DISTRICT - BUXAR
12. MEERA DEVI, WIFE OF RAVINDRA DUBEY RESIDENT OF VILLAGE - SIKTAUNA, POLICE STATION - TRARHI, DISTRICT - BUXAR
13. MANJU DEVI, WIFE OF DARSHAN PANDEY RESIDENT OF VILLAGE - SIMRI, DUDHIPATTI, POLICE STATION - SIMRI, DISTRICT - BUXAR
14. KUMKUM DEVI, WIFE OF KAMLESH THAKUR RESIDENT OF VILLAGE - HARPUR, POST OFFICE - KHANITA, POLICE STATION - ITARHIA, DISTRICT - BUXAR
15. LALSA ROY, WIFE OF BABAN ROY RESIDENT OF VILLAGE - SALATHUA, POLICE STATION - KUDRA, DISTRICT - KAIMUR (BHABUA)
16. NIRMAL MISHRA, WIFE OF BIJAY KUMAR MISHRA RESIDENT OF MOHANPUR, POLICE STATION - ARA, DISTRICT - BHOJPUR (ARA)
17. SAVITRI DEVI, WIFE OF RAJ KISHORE PANDEY RESIDENT OF MOHALLA - SHIKSHAK COLONY CHARITRABAN, POLICE STATION AND DISTRICT - BUXAR
18. PRABHA DEVI, WIFE OF ANIRUDH PANDIT RESIDENT OF VILLAGE - SAIKUAN, POST OFFICE - JALHARA, POLICE STATION - RAJPUR, DISTRICT - BUXAR

.... .... RESPONDENT/S

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**Appearance :**

For the Petitioner/s : Mr. Ramesh Jha—Advocate  
Mr. Abhay Kumar Roy--Advocate

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

02 02-02-2016

Heard learned counsel for the petitioner.

Petitioner is aggrieved by an order dated 29.08.2012 passed by the Subordinate Judge-II, Buxar in Title Suit No.387 of 2011 whereby and whereunder status quo has been directed to be maintained in spite of rejection of prayer made on behalf of respondent/ plaintiff in accordance with Order-XXXIX, Rule-1 of the C.P.C.

From Annexure-5, it is evident that the suit was pending before the Munsif where injunction was granted. Against that order, an appeal was filed whereunder the aforesaid order was set aside. Furthermore, the aforesaid order passed by the Appellate Court has been stayed by the High Court. During midst thereof, on account of controversy raised over pecuniary jurisdiction of the Court, the plaint was returned back whereupon the same was filed before the Subordinate Judge and accordingly, is before the Subordinate Judge-II on transfer for disposal.

From the order impugned, it is evident that vide Annexure-5, prayer made on behalf of respondent/ plaintiff in terms of Order-XXXIX, Rule-1 was rejected. Subsequently thereof, the respondent/ plaintiff again filed a petition disclosing the subsequent development after passing of Annexure-5 whereunder the defendant had sold the land in favour of Prabha

Devi and on account thereof, prayed for injunction which, the learned lower court though rejected, directed both the parties to maintain status quo. The reasons so assigned in the order impugned is found appreciable in the background of the fact that during continuance of a proceeding, parties are not expected to change the status, which was prevailing at the time of filing of the suit otherwise it will be a Herculean task in getting the decree executed.

Thus, the order impugned did not attract interference.  
Consequent thereupon, instant petition is rejected.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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