

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12435 of 2013

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1. Rama Shankar Kuwar Son Of Manajar Kuwar
 2. Santosh Kuwar Son Of Bacha Kuwar both Resident Of Village - Dewkuli,
P.O. Shyampur, P.S. Mohamadpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Home (Spl.) Government
of Bihar, Patna, Old Secretariat
2. Nawal Kishor Prasad
3. Awadh Kishor Prasad both Son of Late Raj Narayan Prasad
4. Vinay Prasad
5. Braj Nandan Prasad
6. Mukesh Prasad all Sons Of Late Jhulan Prasad all 2 to 6 are Resident Of Village
- Dewkuli, P.O. Shyampur, P.S. Mohamadpur, District - Gopalganj
7. Krishna Kumar
8. Kunal Kumar both Son of Late Harendar Prasad
9. Musmat Lalita Kunwar Wife Of Late Harendra Prasad Resident Of Village -
Usari, P.S. Baikunthpur, District - Gopalganj, At Present - Bal Krishna Colony,
Hari Vatika, P.S. Bettiah, District - West Champaran.
10. Anil Kunwar Son of Bacha Kunwar
11. Musmat Ram Kuwari Wife of Late Chandrama Kunwar both Resident of
Village - Dewkuli, P.O. Shyampur, P.S. Mohamadpur, District – Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-11-2016

Heard Mr. Ranjan Kumar Dubey, learned counsel for the
petitioners.

The present application has been filed by the petitioners



assailing the appellate order by which the appeal filed by the petitioners in the injunction matter has been dismissed.

Learned counsel for the petitioners has pointed out that the trial court on the prayer made by the plaintiffs passed the order directing the defendant-petitioners to maintain status quo over the suit property and also granted liberty to the plaintiffs to take help of the police force if such order was violated by the defendants. It has however, been submitted that the appellate court below in appeal against the said order has wrongly affirmed the order passed by the trial court failing to consider that the suit was also for recovery of possession and therefore the finding by the trial court that the plaintiffs were in possession could not have been sustained. Learned counsel for the petitioners, however, has accepted that even after passing of the order by the trial court in the year 2006 and upto now the petitioners have not been dispossessed by the plaintiffs as apprehended by them.

After considering the submissions and in view of the fact that the suit has been filed in the year 2006 and has been pending since then and the defendant-petitioners as per their own case are claiming to be in possession over the suit property, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order directing the



parties to maintain status quo over the suit property.

This application is, accordingly, disposed of with liberty to the petitioners to approach the trial court with appropriate prayer, if permissible in law, which if made, may be considered by the court in accordance with law.

The trial court however is directed to take all steps for expeditious disposal of the suit preferably within a period of six months in accordance with law.

(V. Nath, J)

Devendra/-

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