

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12630 of 2015

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Nandlal Sahni & Anr

.... Petitioner/s

Versus

Ramasaray Sahni & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 04-05-2016 Heard the learned counsel, Mr. Sanjeev Kumar, for the petitioner.

By the impugned order dated 28.07.2015, the learned Munsif, Bettiah West Champaran in Title Suit No.109 of 1994 only directed that the plaintiffs be provided protection of police force for which the cost is to be deposited by the plaintiffs as in the year 1997, the defendants were restrained from dispossessing the plaintiff from his purchased land and to maintain status quo.

The submission of the learned counsel for the petitioner is that the order of status quo has been passed in the year 1997 and still prior to filing of this application, the plaintiff never alleged any violation of the order and now at the time of hearing of the suit, the present application has been filed and the petitioner apprehends that on the garb of protection of his possession, the plaintiff may dispossess the defendant.

So far these submissions of the learned counsel for the petitioners are concerned, those are question of fact and without their being any evidence, the same cannot be investigated.

From perusal of the impugned order, it appears that the Court below clearly recorded that the defendants were restrained from dispossessing the plaintiff and were directed to maintain status quo.

Now, the police assistance has been provided to protect the possession of the plaintiff only. Therefore, in such circumstances it cannot be said that the order passed by the Court below giving police assistance to the plaintiff prejudices in any way to the petitioner nor it occasioned failure of justice nor rights of the parties have been decided. Admittedly, the order of injunction passed in the year 1997 is still in operation as none have challenged the said order. Therefore, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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