

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12703 of 2015

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Kedar Prasad Sharma & Ors

.... Petitioner/s

Versus

Dharamsheela Devi & Ors

.... 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

4 28-06-2016 Heard the learned counsel, Mr. J.S. Arora, for the petitioner.

It appears that partition suit was filed by the plaintiff respondent. The plaintiff then filed application for injunction praying for restraining the defendant petitioners from transferring the suit property during the pendency of the suit. The trial Court after considering the cases of the parties directed both the parties not to transfer property during the pendency of the suit. The petitioners filed Misc. Appeal before the lower appellate Court. The lower appellate Court has confirmed the said order.

The grievance of the petitioner is that if any urgency will be there in future then the petitioner has right to transfer the property subject to the permission that may be granted by trial Court but this aspect of the matter has not been considered by the Court below and have granted injunction. The Court below have also



not considered that the petitioner have also got right in the suit property. On the ground submitted by the learned counsel for the petitioner, the order of injunction cannot be interfered with, particularly when it is admitted fact that the petitioner No.1 has already transferred many of the suit property, however, if in future, any such occasion will arise, any of the party may approach the Court seeking permission to transfer and if such application is filed, the Court below shall dispose of the same according to law but certainly for that purpose only, the impugned orders cannot be interfered with.

Thus, I find no reason to interfere with the impugned order. Thus, this writ application is hereby dismissed in view of the aforesaid observation.

(Mungeshwar Sahoo, J)

Sanjeev/-

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