

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21438 of 2012

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1. Usman Gani @ Md. Usman Gani
 2. Nesar Firoz, both sons of Firoz Bakht
 3. Nazia Firoz
 4. Tarannum Firoz, both daughters of Firoz Bakht, all resident of Mohalla Bizilichak, P. S. Tatarpur, District-Bhagalpur.
 5. Rabeya Khatoon, wife of Md. Zafrullah, D/o Haji Sarafta Husain, resident of Mohalla Bizlichak, P.O. and P.S. Tatarpur, District-Bhagalpur.

.... Petitioner/s

Versus

1. Ghyan Singh @ Gyan Singh
2. Jagat Singh
3. Kuar Singh, all sons of Late Bhumwan Singh, resident of Mohalla Bizlichak, P.O. and P.S. Tatarpur, District-Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Anisur Rahman--Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 12-01-2016

Heard learned counsel for the petitioners.

During course of argument, it has been submitted on behalf of petitioners that defendants have encroached upon by way of new construction over the drainage, the land under dispute which he was intending since before, and to prevent the same, a prayer under Order-XXXIX, Rule-1 and 2 of the C.P.C. was made before the learned lower court, which was rejected and against which Misc. Appeal No.40 of 2004 was brought up. The subsequent event has been brought up on record asking for preservation of the suit property though carried wrong nomenclature, being rejected by the learned Appellate Court,

hence this petition has been filed. However, fairly concedes that up-till-now, no amendment has been made in the plaint nor relief has been amended/ added in terms of subsequent event which, if made and further, to preserve the suit property a prayer is made, the learned lower court will decide the issue in accordance with law.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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