

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.832 of 2012

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1. Jang Bhadur Yadav, son of Mushaphir Yadav, resident of village Nimaiya, P.S. Nawalpur (Jogapatti), District West Champaran.
 2. Jang Bahadur Yadav, son of Sheoratan Yadav, resident of village Chandraha Rupwali, P.S. Bathwana, District West Champaran.

.... Defendant 1st set/ Appellants.

Versus

1. Maheshwari Choubey, C/o Late Bindeshwari Choubey, resident of village Bishrampur, P.S. & P.O. Jogapatti, District West Champaran.
2. Jyoti Prakash Pandey alias Abhilekh Kumar, son of Rabindra Pandey, resident of village Dhankutwa, P.S. Balthar (Sikta), District West Champaran.
3. Rabindra Pandey, son of Lok Bishwanath Pandey, resident of village Dhankutwa, P.S. Balthar (Sikta), District West Champaran.

.... Plaintiff/Respondent 1st set.

... ... Defendant 2nd set/Respondent 2nd set.

... ... Defendant 3rd set/Respondent 3rd set.

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Appearance :

For the Appellants : M/s S.S. Dwivedi, Sr. Adv., Ranjan Kumar
Dubey and Path Gaurav, Advocates.

For the Respondents : Mr. Vishwajeet Kr. Mishra and Ashutosh Tripathi, Advocates.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL JUDGMENT

Date: 31-10-2017

Heard learned counsels for the appellants and the respondents.

This miscellaneous appeal has been filed against the order dated 30.10.2012 passed by the Sub Judge 3rd, Bettiah in T.S. No.270 of 2010, whereby the learned lower Court has restrained defendant nos.1 & 2 of the said suit from making any sort of interference in the property in question during pendency of the said suit.

Factual matrix of the case is that respondent no.1



filed Title Suit No.270 of 2010 against the appellants and respondent nos.2 & 3 for declaration of his right and title in the property in question and also for confirmation of possession and for declaration of sale deed dated 11.08.2009 and two sale deeds dated 29.12.2009 executed by defendant 2nd set in favour of defendant 1st set to be ineffective, inoperative, void and illegal and also for permanent injunction restraining the defendant 1st set from making any sort of interference in the property in question.

Defendant nos.1 & 2 filed their rejoinder against the said petition. After hearing the parties and perusing the record, the learned lower Court passed the impugned order.

Being aggrieved and dissatisfied with the aforesaid order, defendant nos.1 & 2 have filed this miscellaneous appeal.

This Court vide order dated 01.03.2013 has directed both the parties to maintain status quo till pendency of this appeal. From perusal of the record, it appears that the suit is of the year 2010 and as per the submission of both the parties, the said suit is lying stand still. Hence, with consent of parties and in order to facilitate further progress in the suit, both the parties are hereby directed to maintain status quo regarding the property in question in all respects till the disposal of the suit.

Accordingly, this appeal is disposed of with a



direction to the learned lower Court to dispose of the aforesaid suit as expeditiously as possible, preferably within a period of nine months from the date of receipt/production of a copy of this order. Both the parties are also directed to extend all sort of co-operation in disposal of the suit.

(Prakash Chandra Jaiswal, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.11.2017
Transmission Date	02.11.2017

