

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.494 of 2016

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Raju Sah @ Raju Prasad Sah son of Late Ganesh Sah, resident of Mohalla Aliganj,
Gangti Road P.O. Aliganj, P.S. Mojahidpur, District Bhagalpur.

.... Appellant/s

Versus

1. Raman Kumar
2. Ritesh Kumar.
3. Ranjan Kumar, all sons of Tribhuwan Pd. Singh All residents of Mohalla
Katghar (Aliganj) P.O. Aliganj, P.S. Mojahidpur, District Bhagalpur.
4. Sri Tribhuwan Prasad Singh son of late Awadh Narayan Singh. resident of
Mohalla Katghar (Aliganj) P.O. Aliganj, P.S. Mojahidpur, District Bhagalpur.
5. Rekha Singh wife of Sri Ranjeet Kumar and daughter of Sri Tribhuwan Pd.
Singh.
6. Ragini Singh daughter of Sri Tribhuwan Pd. Singh
7. Sweta Kumari daughter of Sri Tribhuwan Pd. Singh All residents of Mohalla
Katghar (Aliganj), P.O. Aliganj, P.S. Mojahidpur District Bhagalpur.
8. Anandi Prasad Sah son of Late Bodh Narayan Sah, resident of Mohalla Aliganj
(Gangti Raod) P.O. Aliganj, P.S. Mojahidpur, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 23-03-2017

Heard learned counsel for the parties.

By the impugned order, the learned appellate court below
has allowed the prayer of the plaintiffs as made in the petition filed
under Order 39 Rule 1 and 2, to the extent only that the parties to the
suit would maintain status quo over the suit property.



After considering the submissions and perusal of the materials on record, it is evident that the suit has been filed for partition and during the pendency of the said suit, the plaintiffs apprehending the alienation of the suit property by the defendants filed the petition for injunction restraining the defendants from alienating the suit property and creating third party interest. The appellate court below, after considering the facts and circumstances of the case, has by the impugned order directed the parties to maintain status quo over the suit property.

It is transparent that the suit is for partition of the joint family property and, therefore, this court is inclined to dispose of the present application after modifying the impugned order to the extent that the status quo order as granted by the appellate court below shall continue till disposal of the suit but if any co-sharer party in the suit seeks to alienate the suit property for meeting the necessity then the same shall be done only after the permission of the court in accordance with law.

The present application is, accordingly, disposed of with the aforesaid direction.

Devendra/-

(V. Nath, J)

AFR/NAFR	
CAV DATE	
Uploading Date	31.03.2017
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