

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9572 of 2011

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Somalika Devi @ Shimla Devi wife of late Mannna Pandey, resident of village-
Lahuriwari, P.S. Mohania, District-Kaimur (Bhabua).

.... Petitioner/s

Versus

1. Awadhesh Pandey son of late Shri Ram Pandey.
2. Rabindra Kumar Pandey son of Awadhesh Pandey.
3. Roshan Kumar minor son of Rabindra Kumar Pandey, under the guardianship of his father Rabindra Kumar Pandey.
4. Mosam Pandey son of Rabindra Kumar Pandey.
5. Umesh kumar Pandey, son of Umesh Kumar Pandey.
6. Ankit Kumar Pandey, son of Umesh Kumar Pandey.
7. Gautam Pandey son of Umesh Kumar Pandey.
8. Hare Krishna Pandey son of Awadesh Pandey.
9. Kashipati Pandey, son of late Shriram Pandey.
10. Shyamakant pandey son of Kashipati Pandey.
11. Birendra Kumar Pandey son of Kashipati Pandey.
12. Ravikant Pandey son of Kashipati Pandey.
13. Priyasurya, son of Shyamakant Pandey, all residents of village Lahuribari, P.S. Mohania, District-Kaimur (Bhabua).
14. Ram Chise Pandey son of late Ramdhari Pandey.
15. Sushil Kumar Pandey alias Arun Kumar Pandey son of Ramchise Pandey.
16. Ritesh Kumar Pandey son of Sushil Kumar Pandey.
17. Shashi Shekhar Pandey son of Sushil Kumar Pandey.
18. Jitendra Kumar Pandey alias Chhote Pandey son of Ramchise Pandey.
19. Babban Pandey son of late Ramdhari Pandey.
20. Anil Kumar Pandey alias Govind Pandey son of Babban Pandey.
21. Niraj Kumar Pandey son of Anil Kumar Pandey.
22. Pankaj Kumar Pandey son of Anil Kumar Pandey.
23. Dharmendra Kumar Pandey alias Gopal Pandey son of Babban Pandey.
24. Pawan Kumar Pandey son of Dharmendra Kumar Pandey.
25. Rudra Kumar Pandey alias Nand Pandey son of Babban Pandey.
26. Pintu Pandey.
27. Bijukan Pandey, both sons of Babban Pandey.



28. Bishnu Shankar Pandey son of Ramdhari Pandey.
29. Munna Pandey son of Bishnu Shankar Pandey.
30. Ramesh Pandey.
31. Udai Pandey.
32. Jhunna Pandey sons of Bishnu Shankar Pandey.
33. Tarkeshwar Pandey son of late Chandrika Pandey.
34. Arbind Pandey son of Tarkeshwar Pandey.
35. Chanchal Kumar Pandey son of Arbind Kumar Pandey.
36. Madan Pandey son of late Chandrika Pandey.
37. Shammi Kapur Pandey son of Madan Pandey.
38. Jagatpati Pandey son of Shammi Kapur Pandey.
39. Shambhu Nath Pandey, son of late Chandrika Pandey.
40. Rakesh Kumar Pandey alias Aklu Pandey son of Shambhu Nath Pandey.
41. Munna son of Rakesh Kumar Pandey.
42. Rajiv Kumar Pandey alias Chirkut Pandey son of Shambhu Nath Pandey all residents of village-Lahuriwari, P.S. Mohania, District-Kaimur (Bhabua).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Adv.

For the Respondent/s : Mr. Jitendra Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-02-2017

Heard learned counsel for the petitioner.

From the materials on record as well as submissions made in the petition, it is transparent that the suit has been filed for partition in which the present petitioner has been impleaded as defendant no. 30. It further appears that the prayer of the present petitioner for grant of injunction against the respondents have been allowed in the suit. The petitioner again filed the petition praying before the court for



appointment of the magistrate to help the petitioner in harvesting the crop. The learned court below, by the impugned order, has come to the conclusion that the petitioner has got the remedy by way of filing appropriate petition under Order 39 Rule 2 A C.P.C. complaining disobedience of the order. The prayer made by the petitioner has been, accordingly, turned down.

Learned counsel for the petitioner has made submissions that it was the duty of the executive to execute the order passed in the suit and once they are not executing the order, the petitioner shall be entitled to approach the court.

After considering the submissions and perusal of the impugned order, this Court declines to align with the submission made on behalf of the petitioner. As the order for injunction has already been granted to the petitioner in the suit, the petitioner has the remedy in case the said order of injunction is disobeyed /violated by the respondents. This Court, therefore, does not find any illegality or material irregularity in the impugned order.

The application is, accordingly, dismissed.

Devendra/-

(V. Nath, J)

AFR/NAFR	
CAV DATE	
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