

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.218 of 2013

In
First Appeal No. 178 of 2006

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Anil Prasad Singh @ Anil Rai S/o Late Baidnath Singh @ Baidnath Rai
resident of Village Phulwari, Pargana Malki, P.S. Phulwari, District
Begusarai.

.... Petitioner/s

Versus

1. Janki Devi W/o Sri Shiv Bhajan Singh D/o Late Jutti Singh @ Jutti Rai
Resident of Village Phulwari, Paragana Malki, P.S. Phulwari, District
Begusarai.
2. Mithilesh Mahto S/o Late Ghhutu Mahto Resident of Phulwari, Ward
No. 1, P.S. Phulwari, P.O. Barauni, District Begusarai.
3. Bihari Mahto S/o Isho Mahto P.O. + P.S. Phulwari, District Begusarai.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-03-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the opposite party no. 1.

The petitioner seeks compliance of order dated
11.8.2008 passed in I.A. No. 5754 of 2006 in First Appeal No.
178 of 2006.

It is submitted on behalf of the petitioner that the
interim application for stay was heard by this Court and vide order
dated 11.8.2008, the petitioner had prayed that status quo of the
land be maintained as he had serious apprehension that the other
appellants would misuse the share allotted to the plaintiff-opposite



party no. 1 concerned. It is further submitted that the plaintiff was directed to maintain status quo of the land in question. She was also given the liberty to maintain status quo of the land in question and if for some reason she requires to sell any part of the share allotted to her, she can seek permission of the court to sell such land. However, despite the order passed by this Court directing her to seek permission before making any such sale, she continued to enter into transaction though permission from the Court was rejected which is evident from Annexure-4, even though she has proceeded to sell the lands.

Learned counsel appearing on behalf of the opposite party no. 1 submits that the present case has changed in circumstances inasmuch as the interim order has now emerged with the final order passed in the First Appeal wherein the opposite party no. 1 has been allotted only $\frac{1}{4}$ th share. He further submits that the petitioner's case cannot be disposed of and there is no reason to proceed in the contempt matter. It is submitted by learned counsel for the opposite party that now petitioner has got remedy available in the court below. Furthermore the opposite party no. 1 is a very old lady and she undertakes to compensate the petitioner of any lands which have prejudiced him in any manner on account of such transaction.



In view of the fair stand taken by the opposite party no. 1 and without prejudice to the rights of the petitioner herein, this Court does not feel it fit to pursue the matter in the contempt jurisdiction.

Accordingly, the contempt application stands disposed of with liberty to the petitioner to seek appropriate relief in the Court where the execution case is pending.

(Anjana Mishra, J)

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