

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4725 of 2014

In

MA 310 of 2008

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Deoeshwar Pd. Singh, son of Late Ishwari Singh, resident of village-168,
North Anandpuri, P.S. Sri Krishnapuri, District-Patna

.... Petitioner/s

Versus

Sri Uttam Kumar & Ors

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Deoshwar Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-07-2018 The present petition has been filed alleging disobedience of the order of this Court dated 01.05.2013 passed in Miscellaneous Appeal No. 310 of 2008, whereby and where under all the parties to the suit have been restrained to alienate any portion of the subject matter of the suit. It has been further directed that if any one feels it extremely essential, then such party to the suit may alienate any portion of the subject matter of the suit with the specific permission of the court below.

The learned counsel for the petitioner has submitted that Sri Uttam Kumar who was respondent no. 3 in the aforesaid Miscellaneous Appeal has alienated portion of the subject matter of the suit without taking the permission of the court below.

Per contra, the learned counsel appearing for the opposite party namely, Uttam Kumar has submitted that it is not



a fact that he has violated any order passed by this Court.

In view of the rival contentions of the parties, I direct the Subordinate Judge-1st, Patna / concerned court, Civil Court, Patna where Title Partition Suit No. 142 of 2003 is pending to verify as to whether the subject matter of the suit has been alienated by the said Uttam Kumar after passing of the order of this Court on 01.05.2013 or not. In case the learned court below finds that the said Sri Uttam Kumar has alienated the subject matter of the suit property and violated the order of this Court, then appropriate consequential action, including imprisonment of the said Uttam Kumar, shall be taken by the learned court below. It is further directed that the court below would ensure speedy disposal of the said suit without allowing any unwarranted adjournment to the parties to the suit.

The present petition is disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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