

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1362 of 2017

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1. Ram Surith Singh.
 2. Ramadhar Singh. Both sons of Late Jagdeo Singh. Both residents of Village-Ramabandh, P.O.- Aurangabad, P.S. Aurangabad (Town), District-Aurangabad.

.... Appellant/s

Versus

1. Yamuna Prasad Singh, son of Late Hit Narayan Singh, resident of Village-Ramabandh, P.O.- Aurangabad, P.S. Aurangabad (Town), District-Aurangabad.
2. Ram Dip Singh.
3. Ram Swarup Singh. Both sons of Late Mukhdeo Singh. Both residents of Village- Ramabandh, P.O. Aurangabad, P.S.- Aurangabad (Town), District-Aurangabad.
4. Sarju Prasad Singh, Son of late Hit Narayan Singh, resident of Village-Ramabandh, P.O.- Aurangabad, P.S. Aurangabad (Town), District-Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Uday Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 25-07-2018

Heard both sides.

The petitioners have filed this Civil Miscellaneous petition against the order dated 31.05.2017 by which the learned District Judge directed both the sides to maintain status quo with regard to disputed land mentioned in suit.

Mr. Kumar Uday Singh, learned counsel appearing on behalf of the petitioners submits that petitioners are defendants in the suit. The plaintiff filed the suit for partition of the property mentioned



in the suit. The plaintiff stated in the plaint that lands were allotted to different persons according to their convenience but no partition by meets and bounds ever took place. The plaintiff also filed petition for restraining the defendants from changing the nature of the suit. The learned Sub Judge dismissed the petition. The plaintiff filed Misc. Appeal No. 7 of 2017 and the learned District Judge, by the impugned order, directed both sides to maintain status quo with regard to the land contained suit property since there appears no partition between the plaintiff and the defendants by meets and bounds.

Mr. Kumar Uday Singh, learned counsel appearing on behalf of the petitioners submits that there was a partition in between the parties. Even partition took place between the brothers of the plaintiff. The defendants filed the document showing partition between the two brothers and accordingly, the lands were mutated in the name of the petitioners and his brother. The plaintiffs and defendants inter-se transact with the properties and these transactions show that there was partition among the plaintiff and the defendants but the learned District Judge has erroneously held that there is no partition by meets and bounds and directed to maintain the status quo with regard to the land.

On perusal of the plaint of the plaintiff, it appears that the plaintiff has also stated that some partition took place between



them for the sake of convenience but no partition took place by meets and bounds among the plaintiffs and the defendants and thus the plaintiff brought the suit for partition by meets and bounds. The learned District Judge has found that no documents showing that how much lands were allotted to whom in any partition and this much shows that no partition by meets and bounds ever took place between the parties and accordingly, directed the parties to maintain status quo with regard to the suit land.

Thus, I do not find any illegality in the order.
Accordingly, this Civil Miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

N.H./- Saurabh

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31-07-2018
Transmission Date	

