

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1287 of 2016

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Sharo Devi @ Sharaswati Devi Daughter of late Uma Shankar Tiwari , wife of Birendra Mishra resident of village Parahauti , PS Bhagwanpur , Destt Kaimur (Bhabhua) at present Village Bhagwanpur, PS Bhagwanpur, Distt Kaimur Bhabhua

.... Appellant/s

Versus

1. Devraj Pandey @ Pappu Pandey son of Nandan Pandey resident of Village Bhagwanpur PS Bhagwanpur , Distt- Kaimur at Bhabhua
2. Akhilesh Tiwary
3. Arvind Kumar Tiwary Both son late Hiralal Tiwary null
4. Kalawati Devi wife of late Hiralal Tiwary all resident of Village Orgaon, PS- Bhagwanpur, Distt- Kaimur at Bhabhua

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Bansh Dubey, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 16-03-2018

Heard both sides.

The petitioner has filed this Civil Misc. petition against the order dated 10.5.2016 passed by 5th Additional District Judge, Kaimur at Bhabua in Civil Misc. Appeal No.10 of 2014 by which the learned Additional District Judge set aside the order of the Sub-Judge-1, Bhabua in Title Suit No.144 of 2012 directing the parties to maintain status quo.

At the outset of the argument, learned counsel for the respondents very fairly contended that neither the Sub-Judge nor the Additional Judge has given any finding with regard to prima facie



case, balance of convenience and irreparable loss to any of the parties and, therefore, both the orders be set aside and the matter is remitted to the court of Sub-Judge-I to decide the question of injunction afresh in accordance with law.

Considering the submissions of the parties, the order dated 10.5.2016 passed in Civil Misc. Appeal No.10 of 2014 passed by 5th Additional District Judge, Kaimur at Bhabua and the order dated 2.8.2014 passed in Title Suit No.144 of 2012 by the learned Sub-Judge-1 are set aside and the matter is remitted to the court of Sub-Judge-I to decide the matter of injunction afresh after hearing both sides in accordance with law.

Accordingly, this Civil Misc. petition is allowed.

(Prabhat Kumar Jha, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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