

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23544 of 2013

1. Bharat Kumar Rawat, son of Adalat Rawat &
2. Lalmati Devi, wife of Musafir Sah, both resident of village and Post Office
Pachlakhi, Police Station-Nautan, District-Siwan

Defendants/ Petitioner/s

Versus

1. Vimal Kumar Srivastava, son of Late Sarswati Prasad, resident of village
and Post Office-Pachlakhi, Post Office – Pachlakhi, Police Station-Hautan,
District-Siwan

Plaintiff/ Respondent/s

2. Ishwar Chand Sinha, son of Muneshwar Prasad,
3. Udai Pratap Sinha, son of Gyaneshwar Prasad,
4. Ajai Pratap Sinha, son of Gyaneshwar Prasad

Defendants-2nd set/Respondents,

5. Vinay Kumar Shrivastava,
6. Udai Kumar Shrivastava,
7. Abhai Kumar Shrivastava,
8. Ajay Kumar Shrivastava,
9. Nirmal Kumar Shrivastava,
10. Kamal Kumar Shrivastava, all 5 to 10 sons of Sarswati Prasad,
11. Madhuri Kuwar, wife of Late Vijay Kumar Shrivastava,
12. Sanjiv Kumar Shrivastava,
13. Rajiv Ranjan Kumar Shrivastava, both sons of Late Vijay Kumar
Shrivastava,
14. Rajeshwar Kumar Shrivastava, son of Vishwanath Prasad,
15. Dipak Kumar Shrivastava,
16. Pradeep Kumar Shrivastava, both sons of Narsingh Prasad Shrivastava, all
2 to 16 resident of village and post office Pachlakhi, Police Station-Nawtan,
District-Siwan

Defendant-3rd set--- Respondents.

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

6 22-03-2018 The defendants of Title Suit No.816 of 2009 has filed this
application for setting aside the order dated 20.02.2013 passed
by Ist Adhoc Additional District Judge, Siwan in Miscellaneous
Appeal No.22 of 2011. The learned Additional District Judge
after hearing the said appeal, set aside the order dated



19.08.2011 whereunder the injunction petition filed by respondent/plaintiff was rejected.

2. Heard learned counsel for the petitioners.

3. It appears that the respondent Ist party filed Title Suit No.816 of 2009 for declaration of his title over the land mentioned in schedule-1 of the plaint and recovery of possession over one dhur of land as mentioned in schedule-3 of the plaint. The plaintiff filed an injunction petition under Order 39 Rule-1 of Section 94 read with 151 of the CPC praying therein to restrain the defendant (petitioner) from changing his physical feature of the suit land and also executed any document of transfer with respect to said land. The learned Munsif Ist rejected the petition against which the respondent/plaintiff filed Miscellaneous Appeal No.22 of 2011 which after hearing was allowed and the order refusing injunction petition was set aside.

4. On perusal of impugned order, it appears that the said stands recorded in the name of Ganesh Prasad, Mahesh Prasad and Gopal Prasad. The learned Additional District Judge while allowing the injunction petition has observed that the land purchased by defendant Ist set does not contain the Kewat No.1/12 which prima-facie was standing in the name of ancestor of plaintiff. The learned appellant court finding prima-facie case



for maintaining status quo has rightly allowed the appeal and directed the defendants to maintain status quo. The court below has not committed any error in allowing the injunction petition. The petitioners admittedly are in possession of the land mentioned in schedule-3 of the plaint and so the impugned order does not prejudice the defendants any way.

5. In view of above facts, this application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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