

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2125 of 2017

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1. Ramesh Kumar Singh, Son of Late Ram Prasidh Singh, resident of Village- Sinha, P.S. Krishna Garh, District- Bhojpur.

.... Petitioner

Versus

1. Ashok Kumar Singh
2. Ajit Kumar Singh, both are Sons of Late Hira Singh
3. Amrish Kumar Singh
4. Arvind Kumar Singh, both are Sons of Late Anil Kumar Singh
5. Ekram Singh, Son of Late Jitan Singh
6. Vinod Kumar Singh
7. Pramod Kumar Singh, both are Sons of Late Tarkeshwar Singh
8. Raj Kishori Kuer, Widow of Late Tarkeshwar Singh All are residents of Village- Sinha, P.S. Krishna Garh, District- Bhojpur.
9. Kamala Kuer, Widow of Late Mahant Singh
10. Manoj Singh, Son of Late Mahant Singh
11. Sarita Devi
12. Nilu Devi
13. Puja Kumari, all are Daughters of Dhanesh Kumar Singh
14. Barjesh Kumar Singh, Son of Late Ram Prasidh Singh
15. Devanati Kuer, Widow of Late Dhanesh Kumar Singh
16. Chandan Singh
17. Manish Kumar Singh, Both are Sons of Late Dhanesh Kumar Singh All are residents of Village- Sinha, P.S. Krishna Garh, District- Bhojpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-09-2018

Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition for setting aside the order dated 29.07.2017 passed by learned District Judge, Bhojpur, Ara in Misc. Appeal No.27/2016 and also to set aside the order dated 11.08.2016 passed by learned Sub-Judge-IX, Ara in Title Suit No.941 of 2015 by which the petition



of the petitioner for grant of injunction has been dismissed.

Learned counsel for the petitioner submits that admittedly the plaintiffs filed Partition Suit No.106 of 1985 with regard to the disputed land and in aforesaid suit, there was a compromise between the parties but unfortunately Title Suit No.106 of 1985 was dismissed in default. Thereafter the petitioner filed the present Title Suit No.941/2015. It is submitted that the petitioner has got prima facie case as the lands allotted in the share of the plaintiffs stands in the name of the defendants but since the compromise was not affected on account of dismissal of the suit, therefore the claim of the petitioner that he got the lands in his own share on the basis of compromise is of no substance and both the courts have rightly dismissed the petition of the petitioner for grant of injunction.

Having considered the facts aforesaid, I do not find any jurisdictional error.

Accordingly, this civil miscellaneous petition is dismissed as devoid of merit.

(Prabhat Kumar Jha, J)

Amit/-

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