

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.187 of 2014

1. Smt. Sheela Devi W/O Nagendra Kumar Singh
2. Sri Nagendra Kumar Singh S/O Late Megha Singh
Both Resident Of Village- Yarpur Rajputana Gardanibagh Road No. 1, P.S. Gardanibagh, District Patna At Present Residing In Mohalla- Bapu Nagar Colony Quarter No.19, P.S.- Laheriasarai, District- Darbhanga

Defendant 1st party / Appellant

Versus

1. Smt. Mala Jha W/O Sri Arun Kumar Jha Resident Of Village and P.O.- Bahera, P.S. Bahera, District- Darbhanga At Present Residing At Mohalla- New Balbhadrapur 'Shiv Sagar' Under Town And P.S.- Laheriasarai, District- Darbhanga

....Plaintiff/respondent

2. Sri Satish Chandra Jha S/O Late Lakshmi Kant Jha
3. Smt. Asha Kumari W/O Sri Satish Chandra Jha
4. Sri Nilamber Jha
5. Sri Niraj Kumar Jha
6. Sri Mithilesh Kumar Jha
7. Sri Nitish Kumar Jha
All Sons Of Sri Satish Chandra Jha All Resident Of Mauza Balbhadrapur, Tola- Kahirpur, P.S. Bahadurpur, Distt. Darbhanga
8. Smt. Ram Maya Devi Wife of Late Manikant Jha
- (a) Sri Anjani Jha Son of Late Manikant Jha Presently posted at District Supply Office 4th Garde employees,
- (b) Sri Amit Kumar Jha S/o Late Manikant Jha
- (c) all are Permanent resident of Village/Mauza Pauram Utarwari Tola, P.O. and P.S.- Hayaghat, Distt- Darbhanga, Pincode- 847301.
9. Sri Murlidhar Jha S/O Hari Kant Jha, resident of Mauza- Pauram Utarwari Tola, P.O. Hayaghat, P.S. Hayaghat, District, Darbhanga, 847301

Defendants/ 2nd parties/ respondents

Defendants 3rd party / respondents

10. Kapileshwar Lal @ Kapileshwar Lal Dev S/O Late Brijnandan Lal Resident Of Village- Bisarpur Kamdeo @ Fulwaria, P.O.- Ramour Dih, P.S. Bisanpur Darbhanga, District- Darbhanga

..... Defendant 4th party / respondents

... .. Respondent/s

Appearance :

For the Appellant/s :

M/s. Vijayeshwar Prasad
Sahvind Kumar Sharma
Shashank Shekhar Singh



S. S. Pandey
Umesh Kr. Singh, Advocates

For the Respondent/s : Mr. Satish Chandra Jha 3, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 22-04-2019

I.A. No.2666 of 2014

Heard.

This interlocutory application has been filed for condoning the delay of 2 years, 8 months and 1 day in preferring the present appeal.

For the reasons mentioned in this interlocutory application, this Court is satisfied that the appellant was prevented from sufficient cause from preferring this appeal within time.

As a result, this interlocutory application is allowed and the delay in filing this appeal is hereby condoned.

M.A. No.187 of 2014:

The present miscellaneous appeal has been filed against the order dated 28.04.2011 passed by learned Sub-Judge-VI, Darbhanga in Title Suit NO.62/2010 by which order has been passed to maintain status quo with regard to the suit land.

Learned counsel for the appellant has submitted that the order for maintaining status quo could not have been passed as it may affect the right of the defendant-appellant who wants to make construction on the land.



From perusal of the impugned order, it appears that order has been passed to maintain status quo with regard to the suit land. The suit land has been described in Schedule III of the plaint (Annexure 1). Schedule III land has been purchased out of Schedule II land.

It has been asserted by learned counsel appearing on behalf of the appellant that the land purchased by the appellant is neither in Schedule II land nor in Schedule III land. In this view of the matter, it appears that the impugned order does not affect the appellant.

Learned counsel for the appellant has also placed reliance in this regard upon a decision of this Court dated 29.01.2014 passed in M.A. No.574 of 2011.

I do not find any ground to interfere with the impugned order at the instance of appellant. This appeal is, thus, disposed of.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2019
Transmission Date	NA

