

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.274 of 2014

Sanjay Kumar Jha and Ors.

... .. Appellant/s

Versus

Most. Damyanti Jha & Ors

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2, Adv
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 19-02-2019

Heard learned counsel for the parties.

2. The appellants are plaintiffs of Partition Suit No.78 of 2014. They had prayed for ad interim injunction and prayer was refused by the learned trial court by the impugned order dated 02.04.2014.

3. The injunction was sought for on the ground that the defendants are going to change the physical feature of the property and are pursuing the matter to transfer some of the property.

4. In a partition suit, there is unity of title and possession. Hence, a co-sharer cannot be restrained on the prayer of another co-sharer. However, it is made clear that any change of physical feature by the co-sharer or any other dealing with the property would be subject to the result of the suit.



5. With the aforesaid observation, this appeal stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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