

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.354 of 2017

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1. Ram Ran Vijay Pratap Shahi son of Late Yadvendra Pratap Shahi,
 2. Maitray Shahi (Minor), son of Sri Ram Ran Vijay Pratap Shahi (Under guardianship of his father Ram Ran Vijay Pratap Shahi), Both resident of Mohalla- Amgola Road, Sursand Kothi, P.S.- Kazimohammadpur Town and District- Muzaffarpur.

... .. Appellant/s

Versus

1. Sri Kaushlendra Pratap Shahi son of Late Yadvendra Pratap Shahi,
2. Sri Ramanuj Pratap Shahi, son of Kaushlendra Pratap Shahi,
3. Sri Anjanay, son of Sri Kaushlendra Pratap Shahi,
4. Smt. Rita Shahi, wife of Late Mithilesh Pratap Shahi,
5. Sri Sri Katn Govind, son of Late Mithilesh Pratap Shahi,
6. Smt. Amrita Shahi, wife of Late Raghuvir Pratap Shahi,
7. Prachi, D/o Late Raghuvir Pratap Shahi, all above residence of Mohalla- Amgola Road, Sursand Kothi, P.S.- Kazimohammadpur Town and District- Muzaffarpur.
8. Smt. Rajashri, wife of Sri Keshav Prakash, D/o Late Raghuvir Pratap Shahi, resident of Village + P.O. + P.S. - Ghangaur, District- Madhubani.
9. Sri Keshri Nandan Pratap Shahi, son of Late Yadvendra Pratap Shahi,
10. Chandra Chur Pratap Shahi.
11. Shivansh Pratap Shahi (Minor) Both son Sri Keshwri Nanda Pratap Shahi (under guardianship of his father Sri Keshri Nandan Pratap Shahi)
12. Ram Bhushan Mishra, son of Late Ram Pad Kinkar Mishra Residence of Village- Pipra PO+PS- Pipra, Distt- Jaleshwar (Nepal)
13. Sri Kundan Mishra,
14. Sri Gunjan Mishra, both son of Sri Ram Bhushan Mishra, resident of Village+P.O.+P.S.- Pipra, District- Jaleshwar, Nepal.
15. Smt. Rita Singh, wife of Sri Rajeev Nandan Singh, D/o Late Yadvendra Pratap Shahi, Village+P.O.+P.S.- Ratwara, District- Muzaffarpur.
16. Smt. Madhavi Singh, W/o Sri Rohit Kumar, D/o Late Yadvendra Pratap Shahi, Village+ P.O.+P.S.- Malahi, District- West Champaran.
17. Smt. Gita Shahi, wife of Rishikesh Shahi, D/o Late Yadvendra Pratap Shahi, Village+P.O.-Bhaul, P.S.- Nanpur, District- Sitamarhi.
18. Smt. Janki Rai, wife of Pankaj Rai, D/o Late Yadvendra Pratap Shahi, Village- Bela Villashpur, P.S.- Ramnagar, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aditya Nath Pandey, Advocate
For the Respondent/s	:	Mr.



CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 29-01-2019

This miscellaneous appeal, under Order XLIII Rule-1(r) of the Code of Civil Procedure, has been preferred against the order dated 09.02.2017 passed by learned Sub Judge-XI, Muzaffarpur, in Partition Suit No. 541 of 2016.

2. The learned Court-below has refused the prayer for ad interim injunction to the plaintiff-appellants.

3. Heard learned counsel for the appellants and have gone through the impugned order and merit of the case. No case of ad interim injunction is made out in a partition suit where there is unity of title and possession.

4. There is no need to emphasize that any development on the joint family property by any of the co-sharer by construction etc. would be subject to the result of the suit and likewise any encumbrance or transfer of property would also be subject to the result of the suit.

5. Learned court-below is directed to expedite the disposal of partition suit and dispose of the same preferably within six months without allowing any unnecessary adjournment to any of the parties.



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

(Birendra Kumar, J)

Mkr./banti

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2019
Transmission Date	01.02.2019

