

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.218 of 2018

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Mosomat Manjula Devi wife of Late Sudhir Chandra Jaiswal resident of
Mohalla - Manharan Lal (Bhagwan - Das), P.S. - Darbhanga Town, P.O. -
Lalbagh, District - Darbhanga.

... .. Appellant/s

Versus

1. Dr. (Srimati) Maharani Kumari @ Maharani Jaiswal, wife of Suman Jaiswal
@ Shekhar Jaiswal (D - 1/R-1)
2. Suman Jaiswal @ Shekhar Jaiswal son of late Sudhir Chandra Jaiswal (D-
2/R-2)

Both residents of Mohalla - Manharan Lal (Bhagwan Das), P.S. -
Darbhanga Town, P.O. - Lalbagh, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.B.K. Sharma, Advocate
		Mr. Adarsh Chaudhary, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Karn, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 27-03-2019

Heard learned counsel for the parties.

2. The plaintiff is aggrieved by refusal of prayer for
ad-interim injunction by learned Trial Court, (Sub Judge-II,
Darbhanga) in Title Suit No. 459 of 2014 by the order dated
16.02.2018.

3. The sole plaintiff Manjula Devi is widow,
mother of defendant No. 2 Suman Jaisawal @ Shekhar Jaisawal.
Admittedly she had acquired the suit land and house in the town
of Darbhanga through registered sale deed dated 12.11.1969 and
thereafter, she was exercising full ownership on the property
under her exclusive title and possession.



4. Case of the plaintiff is that the defendant No. 2 (her son) got a registered power of attorney executed by the plaintiff on 05.12.2011 fraudulently and in pursuance of that power of attorney defendant No. 2 (son of plaintiff) executed a registered sale deed in respect of the said property on 01.09.2014 in favour of his wife Maharani Kumari @ Maharani Jaiswal, defendant No. 1.

5. After some argument, learned counsel for the parties submits that the defendants/respondents have agreed that they shall not sell out the said property to any third party nor shall dispossess the plaintiff from the suit property or create any obstruction in enjoyment of that property by plaintiff.

6. Hence, this appeal stands disposed of in pursuance of the aforesaid undertaking and it is directed that the defendants/respondents shall follow their undertaking till disposal of the suit.

Accordingly, this appeal stands disposed of.

(Birendra Kumar, J)

khushbu/Banti-

AFR/NAFR	NAFR
CAV DATE	NA
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