

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.88 of 2021

RAM CHANDRA PRASAD SINGH Son of Ram Briksh Singh resident of Mohalla- Durga Ashram Gali, Rajendra Lane, Sheikhpura, Police station- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. SMT. SARITA KUMARI Wife of Sri Sashi Kanak Ajay d/o Late Ram Briksh Singh, resident of Mohalla- Durga Ashram Gali, Rajendra Lane, Sheikhpura, Police Station- Shastri Nagar, District- Patna
2. Krishna Chandra Singh Son of Late Ram Briksh Singh resident of Mohalla- Durga Ashram Gali, Rajendra Lane, Sheikhpura, Police Station- Shastri Nagar, District- Patna
3. Ajay Kumar Singh Son of Late Ram Briksh Singh resident of Mohalla- Durga Ashram Gali, Rajendra Lane, Sheikhpura, Police Station- Shastri Nagar, District- Patna
4. Vijay Kumar Singh Son of Late Ram Briksh Singh resident of Mohalla- Durga Ashram Gali, Rajendra Lane, Sheikhpura, Police Station- Shastri Nagar, District- Patna
5. Sanjay Kumar Son of Late Ram Briksh Singh resident of Mohalla- Durga Ashram Gali, Rajendra Lane, Sheikhpura, Police Station- Shastri Nagar, District- Patna
6. Smt. Sangeeta Singh wife of Sri Ravi Shekhar Singh d/o Late Ram Briksh Singh, resident of House no. B-61, Jaiprakash Nagar, A.G. Colony, P.s.- Shastri Nagar, Patna, A/P resident of Mohalla- Durga Ashram Gali, Rajendra Lane, Sheikhpura, Police Station- Shastri Nagar, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 30-11-2021 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated



12.12.2019, whereby the learned sub-Judge-I Civil Court, Patna in Title Partition Suit No. 94 of 2018 allowed the petition of the plaintiff under Order 39 Rule 1 & 2 restraining the defendants from erecting a permanent structure.

Any order passed under Order 39 Rule 1 & 2 is appealable under Order 43 (1) (r).

As such, this civil miscellaneous is not maintainable. Accordingly, it is disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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