

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.594 of 2018

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Laxmi Kant Ojha Son of late Harinarain Ojha Resident of Village- Kalyanpur,
Police Station- Bihiyan, District- Bhojpur.

... .. Petitioner/s

Versus

1. Shivanand Pathak and Ors Son of Shri Bodhan Pathak Resident of Vihar Colony, Digha Ashiyana Road, Rajeev Nagar, Phulwarisharif, Patna Police Station- Rajeev Nagar, District- Patna.
2. Sanjay Kumar Pathak Son of Sri Bodhan Pathak Resident of House No. 5 Chunugpan Police Station- Jeevanpur, Kotwali, Tehsil- Samhi, District- Azamgarh Uttar Pradesh.
3. Shashi kant Ojha Son of Harinaryan Ojha Resident of Village- Kalyanpur, Police Station- Bihiyan, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner.

Petitioner is a plaintiff in the suit for declaration of title and for setting aside the sale deed executed by defendant 1st Set i.e., Respondents. In the said suit, an application for injunction was filed by the plaintiff and by order dated 15.04.2017, injunction was allowed and the defendant Nos. 8, 9 and 10 were restrained from changing/altering the nature of the suit land.

Learned counsel for the petitioner submits that the order of injunction dated 15.04.2017 was violated by the defendants/respondents for which the petitioner filed an



application under Order 39 Rule 2(A) before the learned trial court on 02.06.2017 but no decision has yet been taken by the concerned court. Accordingly, limited prayer of the petitioner is for a direction to the learned court below to dispose the application filed under Order 39 Rule 2(A) by the petitioner in accordance with law within a reasonable time frame.

Regards being had to the submissions made by the petitioner and taking into consideration the fact that the petition under Order 39 Rule 2(A) filed by the petitioner is pending for the last four years, accordingly, I direct the concerned court i.e., the court of 4th Subordinate Judge, Bhojpur, Ara to dispose the petition in question in accordance with law on its own merit within a period of six months.

With the aforesaid observation and direction, this application stands disposed of.

(Anil Kumar Sinha, J)

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