

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.125 of 2021**

1. Md. Shamim Ahmad, Son of Late Md. Aziz, Resident of Mohalla and P.S.-Ishakchak, District-Bhagalpur
2. Md. Jamal Son of Late Maan Ali, Resident of Mohalla Bari Khanjarpur, P.S.-Barari, District-Bhagalpur
3. Md. Naseer Hussain @ Md. Nasir Hussain Son of Late Maan Ali, Resident of Mohalla Bari Khanjarpur, P.S.-Barari, District-Bhagalpur
4. Bibi Laila Khatoon D/o Late Maan Ali, Wife of Late Md. Israil, Resident of Mohalla Bari Khanjarpur, P.S.-Barari, District-Bhagalpur
5. Md. Manjar @ Md. Manjoor @ Shamsul, Son of Late Bibi Amna Khatoon Resident of Mohalla-Ishakchak, P.S.-Ishakchak, District-Bhagalpur.
6. Bibi Anwari Khatoon, Wife of Md. Temna Resident of Mohalla-Ishakchak, P.S.-Ishakchak, District-Bhagalpur.
7. Bibi Akhtari Khatoon, Wife of Md. Asgar Resident of Mohalla-Ishakchak, P.S.-Ishakchak, District-Bhagalpur.

... .. Petitioner/s

Versus

Md. Firoz Son of Late Md. Quasim, Resident of Mohalla-Moulanchak, P.O.-Tatarpur, P.S.-Kotwali, District-Bhagalpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Md. Nurul Hoda  
For the Respondent/s : Mr.Abbas Haider

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

5      23-02-2022      Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

The present civil miscellaneous petition has been filed against the order dated 03.07.2020, whereby the Misc. Appeal No. 19 of 2019 was dismissed affirming the dismissal order of the lower court of injunction petition of the petitioners.



The learned counsel for the petitioners has submitted that their petition for injunction under Order 39 Rules 1 & 2 was rejected by the court below and concurrently the appellate court in Misc. Appeal No. 19 of 2019 has also dismissed their appeal. He has submitted that the petitioners had lodged Title Suit No. 98 of 1996 against the respondent for specific performance of contract. He has also submitted that the respondent has transferred the suit land to the third party. He has next submitted that for the ends of justice, the alienation of the property must be injuncted.

The learned counsel for the respondent has submitted that the title suit instituted by the petitioners are running since 1996. The issue was settled on 19.11.1998 and the evidence of the plaintiffs has been concluded.

It is an admitted fact that part of the suit land has already been alienated.

I do not see any reason to interfere with the impugned order. Accordingly, this civil miscellaneous petition is dismissed. The court below is directed to expedite the trial and dispose it of, as early as possible.

Office shall ensure that all the 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)**

HR/-

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