

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.186 of 2021

Chandan Kumar Singh Son of Late Kamleshwari Prasad Singh, resident of Mohalla-Shivpuri, Behind Bal Bharti School, Police Station-K.Hat, District-Purnea.

... .. Petitioner/s

Versus

1. Nagendra Pandey Son of Late Rooplal Pandey, resident of Mohalla - Bari Hat, Police Station - K. Hat, District - Purnea.
2. Babloo Kumar Singh Son of Sri Ganesh Prasad Singh, resident of Village - Dumra, Police Station- Bhawanipur, District - Purnea at present Sipahi Tola, Police Station- K. Hat, District - Purnea.
3. Sanoj Kumar Singh, Son of Gajendra Prasad Singh, resident of Village - Dumra, Police Station- Bhawanipur, District - Purnea at present Sipahi Tola, Police Station- K. Hat, District - Purnea.
4. Gautam Kumar Singh, Son of Arvindra Prasad Singh, resident of Chitrawani Road Bhatta, Police Station- K. Hat, District - Purnea.
5. Bijay Kumar Singh, Son of Balbhadra Singh, resident of Sipahi Tola, Police Station- K. Hat, District- Purnea.

... .. Respondent/s

with

CIVIL MISCELLANEOUS JURISDICTION No. 224 of 2021

Chandan Kumar Singh son of Late Kamleshwari Prasad Singh, resident of Mohalla- Shivpuri, Behind Bal Bharti School, Police Station- K.Hat, District-Purnea.

... .. Petitioner/s

Versus

1. Nagendra Pandey son of Late Rooplal Padney, resident of Mohalla- Bari Hat, Police Station- K. Hat, District- Purnea.
2. Babloo Kumar Singh son of Sri Ganesh Prasad Singh, resident of Village- Dumra, Police Station- Bhawanipur, District- Purnea at present Sipahi Tola, Police Station- K.Hat, District- Purnea.
3. Sanoj Kumar Singh son of Gajendra Prasad Singh, resident of Village- Dumra, Police Station- Bhawanipur, District- Purnea at present Sipahi Tola, Police Station- K.Hat, District- Purnea.
4. Gautam Kumar Singh son of Arvindra Prasad Singh, resident of Chitrawani Road Bhatta, Police Station- K.Hat, District- Purnea.
5. Bijay Kumar Singh son of Balbhadra Singh, resident of Sipahi Tola, Police Station- K.Hat, District- Purnea.

... .. Respondent/s



Appearance :

(In CIVIL MISCELLANEOUS JURISDICTION No. 186 of 2021)

For the Petitioner/s : Mr. Kunal Ranjan
Mr. Jitendra Prasad Singh

For the Respondent/s : Mr.

(In CIVIL MISCELLANEOUS JURISDICTION No. 224 of 2021)

For the Petitioner/s : Mr. Jitendra Prasad Singh
Mr. Kunal Ranjan

For the Respondent/s : Mr.

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

ORAL ORDER

5 25-04-2022 Heard the learned counsel for the petitioners as well
as the learned counsel for the respondents.

The learned counsel for the petitioners has submitted that earlier the petitioners were granted permission by the learned court below for repairing the structure situated on the disputed land, but by the impugned order, the learned trial Court not only restrained the parties to make any construction but also restrained the parties to repair the structure situated on the disputed land and thereby the learned court below has vacated its earlier order, whereby the permission of repair was granted. The learned counsel has submitted further that this order was promulgated by the learned court below on the application filed by the opposite parties under section 151 of the Code of Civil Procedure (herein after referred to as 'the Code').

The impugned order reveals itself that the parties were injuncted from making construction as well as from repairing the structure. This order has been passed under Order XXXIX



Rule 1 of the Code although the court below has not mentioned this provision and the order is appealable one. These civil miscellaneous petitions are not maintainable. Accordingly, both civil miscellaneous petitions are dismissed. The petitioner may take legal remedy as available in law. If the petitioner raises the matter before the Forum under the provisions of law, the Forum shall dispose of the matter without being prejudiced by this order on its own merit.

(Nawneet Kumar Pandey, J)

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