

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.273 of 2022**

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Sadhu Yadav @ Sadhu Rai Son of Surendra Rai, resident of Village - Haidpur,
Ekrapur, Police Station- Shastrinagar, District - Patna.

... .. Petitioner/s

Versus

Kamlapati Srivastava Son of Hariom Prasad Srivastav, resident of Mohalla -
West Patel Nagar, Police Station- Shastrinagar, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad, Advocate
Mr. Karyanand Sharma, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 28-06-2022 Heard learned counsel for the parties.

Petitioner has assailed the order dated 28.02.2022 passed on an application under Order I Rule 10 (2) read with Section 151 of the C.P.C. filed in Title Appeal No. 98 of 2018. Such application was presented on 14.01.2020. In the guise of violation of the *status quo* interim order dated 05.09.2019 granted in T.A. No. 98 of 2018 on the file of the Additional District and Sessions Judge XXI, Patna.

Merely violation of order dated 05.09.2019 in respect of *status quo* passed in T.A. No. 98 of 2019, the petitioner's application for impleadment of certain parties under Order I Rule 10 (2) read with Section 151 C.P.C. is *prima facie* not maintainable. If the party is aggrieved by non adherence to the interim relief of maintaining *status quo vide* order dated



05.09.2019, in that event, party has remedy of filing contempt petition. In the light of these facts and circumstances, petitioner has not made out a case.

Accordingly, petition stands dismissed, reserving liberty to the concerned party to file contempt petition, if so advised.

(P. B. Bajanthri, J)

GAURAV S./-

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