

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.203 of 2023

1. Chandrawati Devi Wife of Late Mahendra Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
2. Krishna Kumar, Son of Late Mahendra Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
3. Ritesh Kumar, Son of Late Mahendra Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
4. Rakesh Kumar, Son of Late Mahendra Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
5. Suresh Bhagat, Son of Late Jokhan Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
6. Ram Pravesh Bhagat, Son of Late Jokhan Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
7. Lakhan Bhagat, Son of Late Jokhan Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.

... .. Petitioner/s

Versus

1. Rajeshwar Bhagat Son of Late Bipat Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
2. Shanti Devi, wife of Late Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
3. Santosh Kumar, Son of Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
4. Baban Kumar, Son of Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
5. Kaushal Kumar, Son of Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
6. Shushil Kumar @ Bhutali, Son of Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
7. Nepali Kumar, Son of Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
8. Rekha Kumari, daughter of Late Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
9. Jyoti Kumari, daughter of Late Kamal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
10. Shanti Devi @ Mukhiya Devi, Wife of Late Nand Lal Bhagat, Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
11. Shankar Kumar, Son of Late Nand Lal Bhagat Natural guardian, mother Shanti Devi. Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.



12. Reena Kumar, Son of Late Nand Lal Bhagat Natural guardian, mother Shanti Devi. Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
13. Pradumn Kumar, Son of Late Nand Lal Bhagat Natural guardian, mother Shanti Devi. Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
14. Gabbu Kumar, Son of Late Nand Lal Bhagat Natural guardian, mother Shanti Devi. Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.
15. Nisha Kumari, Daughter of Late Nand Lal Bhagat Natural guardian, mother Shanti Devi. Resident of village- Hiranman Bigha, (Madaila), P.O. - Walidad, P.S. Mehandia, District - Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-09-2023

Heard the parties.

2. The Revisional Court as well as Appellate Court has rejected the injunction application.

3. The Appellate Court has held that the suit is of the year 2012 and only five witnesses have been examined by the plaintiff-petitioner.

4. It has further been held that the thrust of the parties is arguing on the injunction application instead of getting the suit decided.

5. Considering the above and the law laid down by the Hon'ble Supreme Court in the case of *Managing Director (Mig) HAL Vs Ajit Prasad Tarway (1972) 3 SCC 195*, this



application is dismissed.

6. The Sub Judge concerned is directed to expedite the case and conclude the same within one year from the date of communication of this order without giving any unnecessary adjournment to either of the parties and the Court below will proceed ex-parte against the non-cooperating party.

7. This application stands dismissed.

8. Let a copy of this order be communicated to the District Judge-Gaya through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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