

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.221 of 2023

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Jaleshwar Lal, Son of Late Naglal, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. Khusboo Nesha, Wife of Suleman Mian, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.
2. Chandrabali Lal, Son of Late Ram Autar Lal, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.
3. Jagdish Kumar, Son of Chandrabani Lal, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.
4. Smt. Bala Devi, Wife of Rajan Lal, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.
5. Smt. Devi, Wife of Sudhir Lal, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.
6. Smt. Rima Devi, Wife of Avinash Srivastava, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.
7. Smt. Mintu Devi, Wife of Kunnu Lal, Resident of Village- Dhatiwna, Police Station- Thawe, District- Gopalganj.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner.

2. This Civil Miscellaneous Application has been filed under Article 227 of the Constitution of India against the order dated 31.03.2022 passed by learned Sub-Judge Ist, Gopalganj in Title Suit No. 800 of 2018 by which petition filed by plaintiff / petitioner for extension of interim order of *status quo* dated 15.12.2018 has been rejected.

3. Learned counsel for the petitioner submits that the



petitioner has filed a Title Suit bearing Title Suit No. 800 of 2018 on 12.10.2018 for declaration of title on the suit land and also for injunction against the defendants-respondents for making any construction on the suit land. It is further stated that the petitioner had filed petition under Order XXXIX Rule 1 and 2 C.P.C. and vide order dated 15.12.2018, learned trial Court on the basis of report of Local Commissioner and considering the gravity and circumstances of the case, passed the ad-interim order to maintain *status quo* on the disputed land till appearance of defendant and the said order was continued.

4. On appearance of the defendant No. 1, the Court had fixed 22.01.2022 for hearing on Injunction petition.

5. Learned counsel for the petitioner further submits that the petitioner had given application for extension of the *status quo* order dated 15.12.2018 but without assigning any reason, the trial Court rejected the said petition. He has submitted that the petition under Order XXXIX Rule 1 and 2 C.P.C. is still pending which requires urgent hearing before the trial Court and in the meantime status quo order may be extended in the interest of justice.

6. It appears from the material on record that the trial Court considering the report of the Local Commissioner and the



seriousness and circumstances on the disputed land, the *status quo* order dated 15.12.2018 was passed. However, without assigning any reason whatsoever, the impugned order dated 31.03.2022 has been passed causing great prejudice to the petitioner. Accordingly, in the interest of justice, the order dated 15.12.2018 of *status quo* is extended till disposal of the pending petition under Order XXXIX Rule 1 and 2 C.P.C. filed on behalf of the petitioner.

7. Learned trial Court after hearing both the parties is directed to decide the petition under Order XXXIX Rule 1 and 2 C.P.C. filed on behalf of the petitioner preferably within four weeks from the date of production / receipt of the copy of this order.

8. The parties are directed to maintain status quo on the suit property till final order on petition of petitioner under Order XXXIX Rule 1 and 2 C.P.C. pending before the trial Court and both parties are directed to cooperate the trial Court for deciding the said petition within the said period.

9. With the aforesaid observation in the interest of justice, this Civil Miscellaneous application is disposed of.

10. The petitioner is directed to produce this order before the learned trial Court and move / press the petition



under Order XXXIX Rule 1 and 2 C.P.C. for disposal.

(Sunil Dutta Mishra, J)

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