

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1223 of 2018

1. Mrinal Kumar
2. Nishant Kumar
Both Sons of Arbind Kumar.
3. Arbind Kumar, Son of Sudishta Narayan Singh
All residents of Mohalla- Dahiyawa Tola, Sadhanapuri, P.O. Chapra, P.S. Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. Gauri Shankar Singh
2. Hari Shankar Singh
3. Jai Shankar Singh
All Sons of Late Ram Dayal Singh
4. Tarun Son of Late Shiv Shankar Singh
Respondent Nos. 1 to 4 residents of Mohalla Dahiyawa, Tola Sadhanapuri, P.O. Chapra, P.S. Chapra Town, District Saran.
5. Vijay Kumar Singh
6. Ajay Kumar Singh
7. Abhay Kumar Singh
8. Mritunjay Kumar Singh
9. Sanjay Kumar Singh
All Sons of Late Shiv Dayal Singh Respondent Nos. 5 to 9 resident of Village- Maiki, P.O. Garkha, P.S. Garkha, District Saran.
10. Smt. Munna Yadav, Wife of Jagnandan Rai.
11. Jagnandan Rai, Son of Baldev Prasad Yadav.
12. Chandan Kumar, Son of Jagnandan Rai.
Respondents 10 to 12 residents of Village- Makhdumpur Kauri, P.S. Dariyapur, District Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai, Advocate
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 09-10-2023 Heard learned counsel for the petitioners. None

appears for the respondents despite valid service of notice.



2. The present application has been filed for quashing the order dated 01.05.2018 passed by the A.D.J.-9, Chapra in Misc. Appeal No. 40 of 2016 and also to quash the order dated 23.07.2016 passed by the Sub Judge- 5, Chapra in T.S. No. 533 of 2015. He has also prayed for allowing the injunction petition dated 08.10.2015 filed by the plaintiffs-petitioners.

3. By the impugned order, the injunction application was dismissed by the Court below. The Appellate Court has affirmed the order of dismissal of the injunction application.

4. From the impugned order, the learned Advocate for the plaintiffs-petitioners submits that it is clear that from the report of the Survey Knowing Pleader Commissioner, it will appear that the wall in question belongs to the petitioners and therefore, he submits that the *status quo* may be maintained and the suit be decided as the suit is of the year 2015.

5. In these circumstances, it is ordered that the Sub Judge concerned hearing the Title Suit No. 533 of 2015, will decide the title suit within one year from the date of receipt/ production of a copy of the present order without any unnecessary adjournment to either sides and it will proceed ex-parte against the non co-operating party.

6. In view of the fact that the report supports that the



wall belongs to the petitioners, *status quo* with regard to the wall in question shall be maintained by the plaintiffs and the defendants.

7. In view of the aforesaid, the application stands disposed of.

(Sandeep Kumar, J)

P. Kumar

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