

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.251 of 2024

1. Md. Shahabuddin @ Wardi Khan Son of Late Abdul Mobin Resident of Chambelichak, P.S.- Habibpur, District- Bhagalpur.
2. Md. Mokarram Ali Khan Son of Md. Shamsuddin Khan Resident of Amir Hassan Lane, Taarpur, P.S.- Taarpur, Bhagalpur.
3. Md. Ibrar Hussain Son of Md. Afsar Hussain Resident of Village- Urdu Bazar Lane, Barichak, P.S.- Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. Md. Shamim Uddin Son of Md. Sharfuddin Resident of Mohalla- Urdu Bazar, P.S.- Tatarpur, District- Bhagalpur.
2. Akram Khan Son of Md. Aslam Resident of Mohalla- Kuldip Narayan Lab, Sarai, P.S.- Tatarpur, District- Bhagalpur.
3. Md. Sarfarz Son of Md. Mohiuddin Resident of Mohalla- Kabirpur, Hafiz Ali Lane, P.S.- Nathnagar, District- Bhagalpur.
4. Md. Reyaz Anwar Son of Md. Salim Resident of Village- Mokimpur, P.S.- Shahkund, District- Bhagalpur.
5. Md. Khwaja Ilyas Son of Md. Jawed Resident of Mohalla- Rekabganj, P.S.- Tatarpur, District- Bhagalpur.
6. The Muslim Education Committee, A registered Society under the Society Registration Act, through its President, Inter Level Muslim High School, Tatarpur, Bhagalpur
7. Md. Islam Son of Abdul Nayeem Resident of Village- Chambelichak, P.S.- Habibpur, District- Bhagalpur.
8. Professor (Doctor) Md. Farooque Ali, General Secretary of Muslim Education Committee, Tatarpur, Bhagalpur.
9. Md. Suleman Resident of Inter Muslim High School Committee, Tatarpur, District- Bhagalpur.
10. Md. Jawed Khan, Secretary, the Inter Muslim High School Committee, Tatarpur, District- Bhagalpur.
11. Ghulam Sarwar Ashrafi, President of The Muslim Minority Inter College, Tatarpur, District- Bhagalpur.
12. Syed Sarwar Ali Hashmi, President of The Muslim Minority College, District- Bhagalpur.
13. Md. Rizwanullah, President of The Urdu Girls High School. Asanandpur, District Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Chaudhary, Advocate
Ms. Priyanka Kumari, Advocate
Mr.Kulanand Jha, Advocate



For the Respondent/s : Mr.Prafulla Kumar Jha, Advocate
Mr. Pratiyush Kumar, Advocate
Mr. Samarth Mittal, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 10-09-2024

Today the matter has been listed under the heading “For Orders (On Office Notes)”. However, on the prayer of the parties, the matter is taken up for its disposal.

2. Heard learned counsel for the petitioners and the learned counsel for the respondents.

3. The learned counsel for the petitioners submits that the petitioners are aggrieved by the order dated 23.02.2024 passed by learned Sub Judge-X, Bhagalpur in Title Suit No.69 of 2024 whereby and whereunder *ad interim* order of *status quo* has been granted without hearing of defendants/petitioners. The learned counsel further submits that while passing the impugned order, the learned Sub Judge-10 ordered for maintenance of *status quo* till the appearance of the defendants. Now two of the defendants are in connivance with the plaintiffs and they are not making their appearance before the learned trial court and for this reason, *status quo* has been continuing in the matter. All other defendants have appeared, still the learned trial court has not been taken up the injunction petition for final orders. The petitioners have been representing the Muslim Education



Committee and after passing of the impugned order, the election process of the said Committee has been stayed. The learned counsel further submits that the instant petition may be disposed of with direction to the learned trial court to dispose of the injunction application after hearing the defendants/petitioners, who have already appeared and are contesting the matter, in a time bound manner and the petitioners do not press any other relief.

4. Since the petitioners confined their prayer only for direction to the learned trial court for disposal of the injunction petition filed on behalf of the respondents, I think it appropriate to direct the learned trial court to take up the injunction petition dated 09.02.2024, filed under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure, for its early disposal since the contesting defendants have already appeared.

5. Accordingly, learned Sub Judge-10, Bhagalpur is directed to dispose of the aforesaid injunction petition dated 09.02.2024 filed in Title Suit No. 69 of 2024 at the earliest preferably within a period of two months from the date of receipt/production of a copy of this order.

6. With the aforesaid observations/directions, the instant petition stands disposed of.



7. Pending application, if any, also stands disposed of.

8. However, it is made clear that this Court has not expressed any opinion on the merits of the case and whatever has been discussed is only for the purpose of disposal of the present petition.

V.K.Pandey/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2024
Transmission Date	NA

