

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.775 of 2024

Piyush Singh, Son of late Janardan Prasad, R/o- 2C Laxmi Ashram Apartment, Nalanda Colony, Khajpura, Rukanpura, Patna, Bihar- 800014.

... .. Petitioner/s

Versus

1. Anant Kumar, Son of late Nagendra Kumar Singh Rathor, R/o- Mauza-Kinzer, P.S. Karpi, District- Gaya.
2. Smt. Sita Devi, Wife of late Janardan Singh, D/o of late Dulari Charan Singh@ DulariSharan Singh, Resident of Flat No. 2/C, Luxmi Ashram Apartment, Nalanda Colney, Khajpura, Post -Bihar Veterinary College, P.S. Rajeev Nagar, District- Patna.
3. Rahul Sinha, Son of Nirmal Kumar Singh, Resident of A/ 803, Basu Kamal Saki, Bihar Road, Saki Bihar Telephone Exchange, Andheri East, Mumbai, State (Maharashtra) Pin- 400072.
4. Smt. Rashmi Sinha, Wife of Sri Mani Bhushan Kumar Sinha, D/o of Sri Nirmal Kumar Sinha, Resident of D/205, Triveni Apartment, Airport Road, Hinu, Ranchi, State-Jharkhand Pin- 834002
5. Smt. Shilpi Sinha, Wife of Sri Jaikant Mishra, D/o of Sri Nirmal Kumar Sinha, Resident of 216 Basant Enclave Basant Bihar, Kusumpur, (South West), Delhi Pin Code- 110057.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Kumar, Advocate Mr. Abhishek Kumar Pandey, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 02-09-2024

The record has been taken up on mentioning being made on behalf of the petitioner.

2. Heard learned counsel for the petitioner and I intend to dispose of the present petition at the stage of admission itself.

3. The petitioner is aggrieved by the orders dated 09.08.2024 & 12.08.2024 passed by the learned Civil Judge



(Senior Division) 1st, Patna City in Title Suit No. 168 of 2024 whereby and whereunder the learned trial court granted *status quo* on the suit property till disposal of the injunction petition.

4. The learned counsel for the petitioner submits that on 16.07.2024, the petitioner/defendant no.1 filed an application under Order 7 Rule 11 of the Code of Civil Procedure (hereinafter referred to as 'the Code'). Thereafter, the matter was listed on 09.08.2024 and other side was directed to file reply to the said application. Again on 12.08.2024, at the request of the plaintiff/other side, further time was granted for filing reply and the matter has been fixed for 13.09.2024. The learned counsel further submits that by various pronouncements, the Hon'ble Supreme Court has held that if the application under Order 7 Rule 11 of the Code has been filed, the same needs to be taken up on priority basis and the learned trial court granting injunction by way of maintaining status quo vide orders dated 28.06.2024 till 12.08.2024 is against the settled principles of law.

5. From perusal of the impugned orders, I find that status quo has been granted till the disposal of the application filed for injunction. However, if an application under Order 7 Rule 11 of the Code has been pending, it is incumbent upon the



learned trial court to dispose of the same before entering into the merits of the case and taking up the injunction application once the defendants have appeared and objected to maintaining of the suit itself.

6. In view of above, I do not think there is any need to issue notice to the other side.

7. Accordingly, the learned trial court is directed to take up the application dated 16.07.2024 filed under Order 7 Rule 11 of the Code by the defendant/petitioner and dispose of it before taking up any application for injunction.

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

9. Pending application (I.A. No. 01 of 2024) also stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.09.2024
Transmission Date	NA

