

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.876 of 2022

1. Pradeep Kumar @ Pradip Halwai X Resident of Village- Lauriya, Tola Laxmipur, Ward No.5, P.O. and P.S. Lauriya, District- West Champaran.
2. Ajay Kumar @ Ajay Halwai, Son of Late Harendra Prasad @ Harindra Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No.5, P.O. and P.S. Lauriya, District- West Champaran.
3. Sanjay Kumar @ Sanjay Halwai, Son of Late Harendra Prasad @ Harindra Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No.5, P.O. and P.S. Lauriya, District- West Champaran.
4. Ranjan Kumar @ Ranjan Halwai, Son of Late Harendra Prasad @ Harindra Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No.5, P.O. and P.S. Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. Lalbabu Prasad @ Lal Banu Prasad Son of Late Nathuni Shah, Resident of Village- Lauriya Mokari Tola, P.O. and P.S.- Lauriya, District- West Champaran.
2. Ramji Prasad @ Ramji Halwai, Son of Late Ram Lakhan Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No. 5, P.O. and P.S. Lauriya, District- West Champaran.
3. Dhiraj Kumar @ Dhiraj Halwai, Son of Ramji PRasad @ Ramji Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No. 5, P.O. and P.S. Lauriya, District- West Champaran.
4. Shiv Halwai, Son of Late Rajendra Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No. 5, P.O. and P.S. Lauriya, District- West Champaran.
5. Krishna Halwai, Son of Rajendra Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No. 5, P.O. and P.S. Lauriya, District- West Champaran.
6. Rakesh Halwai, Son of Late Rajendra Halwai, Resident of Village- Lauriya, Tola Laxmipur, Ward No. 5, P.O. and P.S. Lauriya, District- West Champaran.
7. Malik Thakur, Son of Banka Thakur, Resident of Village- Belwa, Lauriya, P.S. Lauriya, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Garg, Advocate Mr. Sanjiv Kumar Pathak, Advocate
For the Respondent/s	:	Mr. Ratan Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-10-2024

Heard learned counsel for the respective parties.



2. The present petition has been filed for setting aside the order dated 13.09.2022 passed by the learned Additional District Judge-8th, Bettiah, West Champaran in Misc. Appeal No. 06 of 2018 whereby and whereunder the learned Additional District Judge-8th, Bettiah, West Champaran allowed the miscellaneous appeal filed by respondent no.1 against the order dated 20.03.2018 passed by learned Sub Judge, Narkatiaganj in Title Suit No. 50 of 2017 whereby and whereunder the learned trial court rejected the injunction petition filed by respondent no.1.

3. After some argument, learned counsel for the petitioners submits that the learned trial court while allowing the miscellaneous appeal only restrained the defendants/petitioners for selling the suit property till further orders by the court. But no such restriction has been put on the plaintiff/respondent no.1. Learned counsel further submits that if the plaintiff/respondent no.1 is restrained from alienating the suit land or changing the nature of the suit property till disposal of the title suit and if the learned trial court is directed to dispose of the title suit within a stipulated time, the present petition may be disposed of at the stage of admission.

4. Learned counsel appearing on behalf



plaintiff/respondent no.1 has no objection to the disposal of the present petition while fixing a time limit for disposal of the title suit.

5. In the light of submissions made on behalf of the parties, order dated 13.09.2022 passed by the learned Additional District Judge-8th, Bettiah, West Champaran in Misc. Appeal No. 06 of 2018 is modified and the plaintiff as well as defendants are directed not to alienate or transfer the suit property without prior permission of the court concerned and they are directed not to change the nature of the property till further orders of the trial court. At the same time, the learned trial court is directed to expedite the proceeding and tried to dispose of the suit pending before it at the earliest and preferably within a period of one year from the date of receipt/production of a copy of this order.

6. With the aforesaid direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

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