

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.176 of 2025

Yamuna Prasad Singh Son of Late Hit Narayan Singh Resident of Village-
Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District- Aurangabad
(Bihar).

... .. Petitioner/s

Versus

1. Arjun Prasad Singh S/o Late Ram Surith Singh Resident of Village-
Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District-
Aurangabad (Bihar).
2. Bimla Devi, W/o Ram Pukar Singh, D/o Late Ram Surith Singh Resident of
Village/Mohalla- Behind Amit Hotel, Gurukul School Campus, P.O. and
P.S.- Aurangabad, District- Aurangabad (Bihar).
3. Ramadhar Singh, S/o Late Mukhdeo Singh Resident of Village- Ramabandh,
P.O.- Aurangabad, P.S.- Aurangabad Town, District- Aurangabad (Bihar).
4. Most. Vimla Devi, W/o Late Ramdip Singh Resident of Village-
Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District-
Aurangabad (Bihar).
5. Sadanand Kumar @ Sonu, S/o Late Ramdip Singh Resident of Village-
Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District-
Aurangabad (Bihar).
6. Priyanka Singh, D/o Late Ramdip Singh Resident of Village- Ramabandh,
P.O.- Aurangabad, P.S.- Aurangabad Town, District- Aurangabad (Bihar).
7. Ramswarup Singh, S/o Late Mukhdeo Singh Resident of Village-
Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District-
Aurangabad (Bihar).
8. Sarju Prasad Singh, S/o Late Hit Narayan Singh Resident of Village-
Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District-
Aurangabad (Bihar).
9. Mahendra Chandrabanshi, S/o Late Ramdas Ram Resident of Village-
Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District-
Aurangabad (Bihar).

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Shashank Kashyap, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 19-02-2025

Record taken up on mentioning being made on behalf of the petitioner and I intend to dispose of the petition at the stage of admission itself.

2. Heard learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is appellant before the learned first appellate court and has filed Partition Appeal No. 07 of 2019 pending before learned Additional District Judge 5th, Aurangabad and in the said partition appeal, an application dated 26.10.2021 has been filed seeking injunction against the other side with regard to the suit property. The matter was heard and fixed for orders on injunction application but, in the meantime, stay order was communicated from this Court in Civil Miscellaneous Case No. 342 of 2021 and no order could be passed. Thereafter, the father of respondent no. 1 and the husband of respondent no. 2 approached this Court by filing Civil Miscellaneous Case No. 746 of 2023 in which the learned appellate court was directed to dispose of the appeal within six weeks. Therefore, the petitioner



did not press his injunction application in anticipation of disposal of the appeal. However, thereafter, some of the respondents died and their legal heirs were brought on record and the partition appeal got delayed. Meanwhile, the respondents continued selling the suit property and kept on creating 3rd party interest. Thereafter, the petitioner again pressed his application for injunction but the same has not been heard by the learned appellate court. Thus, learned counsel submits that the learned appellate court may be directed to dispose of the injunction application dated 26.10.2021.

4. Since the petitioner has approached this Court with limited prayer seeking direction to the learned appellate court to dispose of his application dated 26.10.2021 filed for injunction, without issuance of notice to the other side, I think it is proper to direct learned appellate court to take up the matter of injunction since it has been pending from the year 2021 and dispose it of within three months from the date of receipt/production of a copy of this order considering the fact that some substituted respondents are yet to be brought on record as it appears from the order sheet of learned appellate court dated 24.10.2024. Learned appellate is further directed to take up any pending application filed prior to injunction application for disposal



along with said application.

5. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.02.2025
Transmission Date	NA

