

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.400 of 2025

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Amit Aditya Son of Late Brij Mohan Sharma Residing of Mohalla- Mainpura,
Babhantoli, Police Station- Patliputra, District- Patna.

... .. Petitioner/s

Versus

Brajmohan Prasad Son of Late Dwarka Prasad Resident of Mohalla-
Mahendru, Sahganj Lane, P.S.- Sultanganj, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Dr. Satyendra Kumar Srivastava, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 12-05-2025

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

02. The petitioner is aggrieved by the order dated 05.10.2024 passed by the learned Civil Judge (Sr. Division)-IV, Patna in Title Suit No. 241 of 2024 whereby and whereunder the learned trial court vacated the order of *status quo* with regard to suit property.

03. From perusal of record, I find that when the title suit was admitted, the learned trial court ordered for *status quo* with regard to Schedule-1 of the suit property while issuing the notice to the defendant. Thereafter, from the order-sheets annexed, it further appears that the defendant appeared and filed his counter claim. Further, while vacating the *status quo*, the



plaintiff was directed to come up for hearing on his application seeking injunction. It further transpires from the order-sheet dated 21.11.2024, the parties have been heard on the injunction application and next date was fixed for 11.12.2024 for further hearing and orders.

04. Learned counsel for the petitioner submits that no further hearing has taken place and no orders have been passed on injunction application.

05. From the aforesaid facts, I find that the petitioner has rushed to this Court in premature fashion. When his application for injunction is still pending before the learned trial court, there was no occasion for the petitioner to move before this Court by filing this civil miscellaneous petition for setting aside an order by which *status quo* granted at the time of admission till the appearance of the defendant was vacated. The petitioner should have pressed his application seeking injunction before the learned trial court and should not have come before this Court in this manner.

06. Learned counsel for the petitioner submits that the learned trial has not been taking up the petition dated 31.05.2024 filed seeking injunction by the plaintiff/petitioner for hearing.



07. In the light of submission of the learned counsel for the petitioner, learned trial court is directed to take up the application filed by the plaintiff seeking injunction for disposal and dispose it of within a month from the date of receipt/production of a copy of this order, if appearance is complete.

08. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2025
Transmission Date	NA

