

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.666 of 2025

1. Awadhesh Narayan Roy Son of Late Ram Udgar Ray Resident of Village- Harpur Aloth, P.O.- Harpur Aloth, P.S - Mushrigharari, District - Samastipur.
2. Rekha Devi, Wife of Late Bhagya Narayan Ray Resident of Village- Harpur Aloth, P.O.- Harpur Aloth, P.S - Mushrigharari, District - Samastipur.
3. Jitender Kumar Ray, Son of Late Bhagya Narayan Ray Resident of Village- Harpur Aloth, P.O.- Harpur Aloth, P.S - Mushrigharari, District - Samastipur.
4. Mukesh Kumar, Son of Late Bhagya Narayan Ray Resident of Village- Harpur Aloth, P.O.- Harpur Aloth, P.S - Mushrigharari, District - Samastipur.
5. Ritesh Kumar, Son of Late Bhagya Narayan Ray Resident of Village- Harpur Aloth, P.O.- Harpur Aloth, P.S - Mushrigharari, District - Samastipur.
6. Suchi Kumar, Daughter of Late Bhagya Narayan Ray Resident of Village- Harpur Aloth, P.O.- Harpur Aloth, P.S - Mushrigharari, District - Samastipur.

... .. Petitioner/s

Versus

1. Braj Narayan Ray Son of Sita Ram Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
2. Umesh Ray, Son of Sita Ram Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
3. Ram Kumar Ray, Son of Sita Ram Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
4. Dilip Kumar Ray, Son of Sita Ram Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
5. Lakshaman Ray, Son of Late Ram Padarth Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
6. Tripurari Ray, Son of Late Jawahar Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
7. Sanjeev Kumar Chaudhary, Son of Jagnarayan Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
8. Rajiv Kumar Chaudhary, Son of Jagnarayan Ray Resident of Village - Paghari, P.S - Baheri, District- Darbhanga.
9. Tunni Chaudhary, Daughter of Jagnarayan Ray, Resident of Village- Bishanpur, P.S - Ashok Paper Mill, District -Darbhanga.
10. Bachi Devi, Wife of Ram Vinod Ray Resident of Village - Harpur Aloth, P.S - Mushrigharari, District- Samastipur.
11. Khusta Kumari, Daughter of Ram Vinod Ray Resident of Village - Harpur Aloth, P.S - Mushrigharari, District- Samastipur.
12. Shanti Devi, Wife of Late Ganga Prasad Ray Resident of Village - Harpur



Aloth, P.S - Mushrigharari, District- Samastipur.

13. Pranav Kumar Ray, Son of Late Ganga Prasad Ray Resident of Village - Harpur Aloth, P.S - Mushrigharari, District- Samastipur.
14. Pranaymani Kumar, Son of Late Ganga Prasad Ray Resident of Village - Harpur Aloth, P.S - Mushrigharari, District- Samastipur.
15. Prasun Kumar Ray, Son of Late Ganga Prasad Ray Resident of Village - Harpur Aloth, P.S - Mushrigharari, District- Samastipur.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Record taken up on mentioning being made on behalf
of the petitioners.

02. Heard the learned counsel for the petitioners.

03. Learned counsel for the petitioners submits that the petitioners limit their prayer only to the extent of seeking direction to the learned trial court to adjudicate and dispose of the application dated 16.10.2023 filed on behalf of the petitioners under Order 39 Rule 1 of the Code of Civil Procedure, 1908 (for short 'the Code'), which has been pending before the learned Sub Judge-II, Samastipur. Learned counsel further submits that the application has been kept pending for about two years by the learned trial court and meanwhile, there is real danger of alienation of the suit property by the defendants/respondents and during the pendency of the application, one sale deed has been executed by the respondent



nos. 4 and 5. Learned counsel further submits that even earlier in the year 2021, respondent nos. 3 and 4 have also executed a sale deed during the pendency of the title suit.

04. Since the learned counsel for the petitioner has confined his prayer only to the extent of seeking direction to the learned trial court to dispose of the application dated 16.10.2023 filed by the petitioners under Order 39 Rule 1 of the Code, I do not think there is any need to issue notice to the other-side.

05. Considering the fact that the application seeking injunction is an urgent application which has been kept pending for about two years, the learned trial court is directed to proceed in the matter and adjudicate and dispose of the application dated 16.10.2023 filed by the petitioners under Order 39 Rule 1 of the Code within a month from the date of receipt/production of a copy of this order, if appearance of the defendants is complete since it has been submitted by the learned counsel for the petitioners that the defendants have appeared and filed their written statement.

06. In terms of the aforesaid direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

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