

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.792 of 2025

Ajay Kumar Parasher Son of Mahesh Jha, resident of Village-Vishunpur, Umapat Basant, P.O.-Umapat Basant, P.S.-Aurai, District-Muzaffarpur, at present Kailashpuri, Ward No. 45, P.S.-Dumra, District-Sitamarhi.

... .. Petitioner/s

Versus

1. Mahesh Jha son of Late Ramashray Jha, resident of Village-Vishunpur, Umapat Basant, P.O.-Umapat Basant, P.S.-Aurai, District-Muzaffarpur, at present Kailashpuri, Ward No. 45, P.S.-Dumra, District-Sitamarhi.
2. Vijay Kumar Parasher, son of Mahesh Jha, resident of Village-Vishunpur, Umapat Basant, P.O.-Umapat Basant, P.S.-Aurai, District-Muzaffarpur, at present Kailashpuri, Ward No. 45, P.S.-Dumra, District-Sitamarhi.
3. Sijay Kumar Parasher, son of Mahesh Jha, resident of Village-Vishunpur, Umapat Basant, P.O.-Umapat Basant, P.S.-Aurai, District-Muzaffarpur, at present Kailashpuri, Ward No. 45, P.S.-Dumra, District-Sitamarhi and Mohalla-Aditya Nagar, Bhikhanpur, P.O. and P.S.-Ahiyapur, District-Muzaffarpur.
4. Smt. Vibha Devi, wife of Jitendra Kumar Jha, daughter of Mahesh Jha, resident of Village-Choraut, Near Dakshinwari Tola Maszid, P.O. and P.S.-Choraut, Sitamarhi.
5. Smt. Prabha Devi, Wife of Shiv Kumar Jha, daughter of Mahesh Jha, resident of Banaras, Andhra Bank, Godauliya, P.O. and P.S.-Godauliya, Varanasi (221001).
6. Smt. Gayatri Devi, wife of Umesh Jha, daughter of Late Ramashray Jha, resident of Village-Balra, Ward No. 4, P.S.-GarahiaDumaria, District-Sarlahi, Nepal.
7. Smt. Veena Devi, Wife of Lalbabu Jha, daughter of Late Ramashray Jha, resident of Village-Janakpur Dham, Ward No. 16, P.S. and P.O.-Janakpur Dham, District-Dhanusha, Nepal.
8. Dipak Parasher, son of Vijay Kumar Parashar, resident of Kailashpuri, Ward No. 45, P.S.-Dumra, District-Sitamarhi.
9. Vinayak Parasher, son of Vijay Kumar Parashar, resident of Kailashpuri, Ward No. 45, P.S.-Dumra, District-Sitamarhi.
10. Aditya Kumar Parashar, son of Vijay Kumar Parashar, resident of Kailashpuri, Ward No. 45, P.S.-Dumra, District-Sitamarhi.
11. Uma Devi, wife of Ram Kumar Singh, resident of Village-Ranipura, P.S.-Reporting O.P. Raj Ghat, P.O.-Rajghat, District-Lalitpur, Uttar Pradesh.
12. Ranjan Kumar Jha, son of Ravindra Jha, resident of Village-Bhatauliya, P.O. and P.S.-Belsand, Sitamarhi.
13. Ramchandra Mishra, son of Late Harinandan Mishra, resident of Village-Rudauli, P.O.-Humayupur, P.S.-Bajpatti, Sitamarhi.
14. Sushma Jha, wife of Chakradhar Jha, resident of Village and P.O.-Manik Chowk, P.S.-Runni Saidpur, Sitamarhi.



15. Ankit Kumar Lal Paswan, son of Hiralal Paswan, resident of Mohalla-Dumra, Ward No. 45, P.O. and P.S.-Dumra, Sitamarhi.
16. Rampukari Devi, wife of Vaidyanath Rai, resident of Village-Madanpur, P.O.-Rasapur, P.S.-Dumra, Sitamarhi.
17. Shyama Devi, wife of Dinesh Kumar Singh, resident of Village-Boari, P.O. and P.S.-Gaighat, Muzaffarpur.
18. Chanda Devi, wife of Bachchan Kumar, resident of Mohalla-Gola Bandh Road, Mahaveer Sthan, P.S.-Town, Muzaffarpur.
19. Varun Kumar, son of Shyam Sundar Prasad, resident of Village-Shahpur, P.O. and P.S.-Minapur, Muzaffarpur.
20. Rani Kumari, wife of Jitendra Jha, resident of Thakur Lane, Ahiyapur, P.S.-Ahiyapur, Muzaffarpur.
21. Badal Sahni, son of Bujhawan Sahni, resident of Village and P.O.-Basant alias Vishunpur Umapat, P.S.-Aurai, District-Muzaffarpur.
22. Kedar Sahni, son of Bujhawan Sahni, resident of Village and P.O.-Basant alias Vishunpur Umapat, P.S.-Aurai, District-Muzaffarpur.
23. Rinku Devi, Wife of Dipak Sahni, resident of Village and P.O.-Basant alias Vishunpur Umapat, P.S.-Aurai, District-Muzaffarpur.
24. Soni Kumari, wife of Subodh Kumar, resident of Village-Benipur, P.O.-Bharthua, P.S.-Aurai, District-Muzaffarpur.
25. Shankar Sahini, son of Jiyalal Sahni, resident of Village-VishunpurUmapatBasant, P.S.-Aurai, District-Muzaffarpur.
26. Rajendra Mandal, son of Late Satahu Mandal, resident of Village-VishunpurUmapatBasant, P.S.-Aurai, District-Muzaffarpur.
27. Ram Sirith Thakur, son of Pragas Thakur, resident of Village-VishunpurUmapat Basant, P.S.-Aurai, District-Muzaffarpur.
28. Shambhu Thakur, son of Pragas Thakur, resident of Village-VishunpurUmapat Basant, P.S.-Aurai, District-Muzaffarpur.
29. Vaidyanath Sahni, son of Heman Sahni, resident of Village-VishunpurUmapat Basant, P.S.-Aurai, District-Muzaffarpur.
30. Mithilesh Devi, wife of Shri Awadh Sah, resident of Village-VishunpurUmapat Basant, P.S.-Aurai, District-Muzaffarpur.
31. Smt. Rita Devi, wife of Pranav Kumar Gupta, Village and P.O. and P.S.-Belsand, Sitamarhi.
32. Chandrakala Kumari, wife of Naresh Kumar, resident of Village-VishunpurUmapat Basant, P.S.-Aurai, District-Muzaffarpur.
33. Ram Ishwar Sahni, son of Harichand Sahni, resident of Village-VishunpurUmapat Basant, P.S.-Aurai, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate
For the Respondent/s : Mr.



CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. Heard the learned counsel for the petitioner.

03. The petitioner has come before this Court against the order dated 22.03.2025 passed by the learned Sub Judge-VI, Sitamarhi in Partition Suit No. 246 of 2024 whereby and whereunder the learned trial court vacated the *status quo* granted vide order dated 27.08.2024 without any application on behalf of the parties.

04. Learned counsel for the petitioner submits that on 22.03.2025, initially after filing of *Haziri* by the plaintiff and defendants, the matter was fixed for 02.04.2025 for hearing, but all of sudden the matter was taken up and later on, the learned trial court vacated the *status quo* granted vide order dated 27.08.2024, recording that on repeated call, no one appeared on behalf of the defendants. Learned counsel further submits that, however, the application filed by the plaintiff/petitioner seeking injunction is still pending and no orders are being passed on the said application. Learned counsel further submits that the present petition may be disposed of directing the learned trial court to adjudicate and dispose of the application dated



30.04.2024 filed by the plaintiff/petitioner under Order 39 Rules 1 and 2 of the Code of Civil Procedure (for short 'the Code').

05. Having regard to the submission of the learned counsel for the petitioner, I do not think there is any need to issue notice to the respondents since the petitioner confined his prayer only to the extent of disposal of the application filed by the petitioner under Order 39 Rules 1 and 2 of the Code at the earliest.

06. Accordingly, the learned Sub Judge-VI, Sitamarhi/court concerned is directed to adjudicate and dispose of the application dated 30.04.2024 filed by the plaintiff/petitioner under Order 39 Rule 1 and 2 of the Code, within a month from the date of receipt/production of a copy of this order, since it appears from the order dated 22.03.2025 that *Haziri* was filed on behalf of the defendants.

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

08. At this stage, learned counsel for the petitioner submits that the court concerned is vacant since 02.04.2025 and appropriate order may be passed with regard to transfer of Partition Suit No. 246 of 2024 in any running court of the competent jurisdiction.



09. Under the circumstances, learned Principal District & Sessions Judge, Sitamarhi is directed to transfer the Partition Suit No. 246 of 2024 to any running court of competent jurisdiction at the earliest.

(Arun Kumar Jha, J)

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