

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.406 of 2019

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1. Ram Nandan Singh S/o Late Babua Lal Singh Resident of Mohalla-Bahadurpur,P.O. Rajendra Nagar,P.S. Bahadurpur,Dist.Patna
 2. Jia Nandan Singh S/o Late Babua Lal Singh Resident of Mohalla-Bahadurpur,P.O. Rajendra Nagar,P.S. Bahadurpur,Dist.Patna
 3. Nitya Nand Singh S/o Late Babua Lal Singh Resident of Mohalla-Bahadurpur,P.O. Rajendra Nagar,P.S. Bahadurpur,Dist.Patna

... .. Appellant/s

Versus

1. Syed Kamran Ali S/o Late Syed Kazim Ali, Resident of Mohalla-Guzri,P.S. Khajekalan,Dist.-Patna,Represented through his duly constituted attorney Mirza Haider Ali,son of Mirza Suleman Haidar,aged about 38 years,.Resident of Moghalpura,Fouzdari Kuan,P.S. Khajekalan,Dist.Patna
2. Most Tasnimum Nisa W/o Late Nilayat Ali Ismail Resident of Mohalla Nawab Bahadur Road,P.S. Khajekalan, PO Patna City,Dist.Patna,presently residing at Mohalla-Zarauli House,Kaiserbagh,P.S. Kotwali,Lucknow (U.P.) represented through her duly constituted attorney Ajeet Kumar aged about 48 years,Son of Late Kishore Pandit, Resident of Mohalla Khajekalan,P.S. Khajekalan,Dist.Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. J.S. Arora, Sr. Advocate
For the Respondent/s : Mr. Sudhanshu Trivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

19 16-07-2026 Heard Mr. J.S. Arora, learned Senior counsel for the appellants duly assisted by learned counsel, Ms. Prakrih Prakash and Mr. Sudhanshu Trivedi, learned counsel for the respondents.

2. The present appeal has been preferred:

“Being aggrieved by and dissatisfied with the order dated 07.05.2019, passed by the Learned Subordinate Judge – VI, Patna City in Title Suit No. 240 of 2016, whereby the prayer for grant of



injunction of the plaintiffs – respondents has been allowed.”

3. The Title Suit No. 240 of 2016 is presently pending before the competent Court at Patna City relating to the land, the details of which is/are recorded hereinbelow:

“Khata No. 122;

Plot No. 267;

Tauji No. – 472;

Thana No. 10;

situated at Mauja – Bhadurpur, Bhootnath Road under Agamkuan Police Station, District – Patna (Area – 2 acre 90 decimal).”

4. The present respondents are the plaintiffs in the said Title Suit, and the defendants-appellants have appeared and are contesting the case.

5. During the pendency of the Title Suit, the petition under appropriate section of Code of Civil Procedure was preferred with a prayer that during the pendency of the Title suit, the ownership of the land may not be altered.

6. The defendants (appellants herein) contested the matter, thereafter, on 07.05.2019, the competent Court recorded that *prima facie*, a case has been made out by the plaintiff in the



Title Suit No. 240 of 2016 and in that background, to keep the property as it is, till a decision comes, status quo as existing on that day to be maintained.

7. Aggrieved, the present petition.

8. Learned Senior counsel for the petitioner submits that the plaintiffs (respondents herein) have no such case and the claim that they were outside and which gave opportunity to the defendants to usurp the land is without any basis. Even as per their own submission, they got the mutation receipt for the year 2012-13 despite the fact that the claim is that the land in question came under their possession hundred year ago.

9. Learned counsel representing the respondents on the other hand submits that a Title Suit is pending where each and every issue can be adjudicated and if any other claimant comes into picture, there will be delay in conclusion of the Title Suit.

10. Having heard the parties, this Court has taken note of the fact that a **Title Suit No. 240 of 2016** was preferred in the year 2016 and we are in the year 2026, the Court concerned *prima facie* found the case to be admissible, and as such, only observed that *status quo* as existing on that day is to be maintained fixing the date of hearing for 03.06.2019. There is no reason to interfere with the observation made by the Court concerned.

11. Having recorded the facts, this Court cannot take



his eyes away from the fact that seven years have lost due to filing of this petition and according to the parties, though there is no interim order, the Title Suit has still not come to its logical conclusion.

12. In that background, this Court expects/request that the **Title Suit No. 240 of 2016** should be taken up without any delay and disposed of, at an earliest, preferably within a period of six months from the date, the copy of the order reaches the Court.

13. With the aforesaid observation, the present appeal stands disposed of.

14. It is made clear that any observation made in this order shall in no way influence the adjudication of Title Suit No. 240 of 2016 on its own merits.

15. It is further expected that a report regarding the disposal of the aforesaid Title Suit shall be submitted to the Patna High Court.

(Rajiv Roy, J)

Adnan/-

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