

(2009) 08 PAT CK 0102
In the Patna High Court

Vijay Kumar Maharaj and Sukhdeo Parihar	APPELLANT
Vs	
Shakuntala Devi and Ajit Kumar Maharaj	RESPONDENT

Date of Decision : 13-08-2009

Acts Referred:

Citation : (2009) 4 PLJR 786

Hon'ble Judges : Ajay Kumar Tripathi, J

Bench : Single Bench

Judgement

Ajay Kumar Tripathi, J.—After having heard learned Counsel for the petitioners and learned Counsel representing the private respondents and after having perused the averments made in the counter affidavit which are on record, this Court is of the opinion that no purpose will be served by keeping the writ application pending or passing any interim order on I.A. No. 3712 of 2009.

2. Looking at the nature of the dispute between the two parties, the private respondent is claiming that she has right over the land in question since it was settled by the State Government in favour of her husband who is an Ex-Army man whereas the petitioners contend that this is a family property which has been illegally alienated by way of a sale deed in favour of his wife namely, Shakuntala Devi.

3. It is not disputed that a Title Suit No. 148 of 1996 has been filed and is being contested between the parties. The anxiety of the present petitioners is that the long pendency of the suit is being misconstrued and certain act prejudicial to the interest of the present petitioners is being done for which respondents need to be restrained at least till the decision of the suit in question.

4. Since the final declaration in favour of the private respondent has not been made and is still a subject matter of adjudication, the Court would like that the suit be decided with due cooperation of the parties at the earliest since quite a few witnesses have already been examined by the plaintiff and the defendants.

5. In view of above this writ application stands disposed of upon the direction of

learned Munsif, Katihar that he shall endeavour to complete the trial of the suit in question at the earliest preferably within a period of six months from the date of communication or production of a copy of this order.

6. Till the pendency of the suit the parties are directed to maintain status quo over the suit land in question and would not do any prejudicial act which may be detrimental to the interest of either parties to the case.

7. This writ application is disposed of with the above direction.