

19.04.2022

Attendance has been filed on behalf of both the parties. Today the case record has been produced for passing order on petition filed on behalf of Plaintiff Vashudeo Yadav & Ors. on dated 17.09.2019 Under Order 39 rule 1 & 2 Read with Section 151 of C.P.C and its rejoinder dated 06.01.2020 filed on behalf of the defendant Bihar Sarkar.

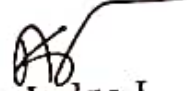
Ld. Counsel for the petitioner while moving his petition has been argued that the plaintiff has filed this petition to extend the date of status quo dated 17.09.2018. He further stated that advoluram fee for inspection of disputed land by an Advocate and he has been filed and has submitted his report. He further stated, if duration of status quo is not extended, then plaintiff has face irreparable loss and make a prayer before the court to extend the order dated 17.09.2018 till the disposal of this case.

On the other hand Ld. Counsel for the defendant/Bihar Sarkar while opposing the petition by moving his rejoinder on 06.01.20 and has been argued that the petition is against the principle of law, which is not maintainable and liable to be rejected. He further stated that plaintiff has not make any effort to conclude this case during the period of status quo, and inspection made by the Ld. Advocate, who has visited the place, has submitted that there is encroachment made by the plaintiffs this petition has been filed by the plaintiff only to delay in proceeding of the court and make a prayer before the court to reject the petition.

Heard, both the parties and perused the case record, after perusal of the case record, it appears that order of status quo was granted on 17.09.18. So in my opinion the petition of plaintiffs is in accordance with law and the suit property should be preserved for further three months with condition that both parties will try to conclude the trial of this case within that period. Accordingly in the light of above mentioned facts and circumstances, I find fit to allow in interest of justice the petition dated 17.09.2018 filed on behalf of the plaintiffs and hence this petition dated 17.09.18 is hereby allowed accordingly and the order of 17.09.2017 to maintain status quo is extended further for next three months from today.

Fix on dated

for hearing.


Sub-Judge I,
Dumraon