

In the Court of Sub Judge – II, Patna City

T.S. - 67/95

26-02-2021

Record is produced for order. Petitions on behalf of plaintiff dated 06.12.2019, 02.11.2020, 10.11.2020 and 01.12.2020 is filed. Petitions on behalf of defendant no. 09 Kameshwar Kumar Saxena and defendant no. 8 is also filed. Learned counsel for Plaintiff vide petition dated 06.12.2019 has prayed to direct local Thana Agamkuan to maintain *status quo* over schedule – A property as mention in plaint. Learned counsel for plaintiff vide petition dated 02.11.2020 has prayed to direct DM, Patna and SSP, Patna to maintain *status quo* order dated 09.09.1996 of Sub Judge – III, Patna City. Learned counsel for Plaintiff vide petition u/o 39 Rule 2(A) dated 10.11.2020 has prayed to issue Show Cause to defendant no. 4 i.e. DM, Patna for disobedience of order date 09.09.1996 and to restrain the construction over suit property and to maintain *status quo* and also for compensation to plaintiff. Another Petition dated 01.12.2020 is filed on behalf of plaintiff praying for recall of record's date. Similarly, petitions on behalf of defendant no. 8 and 9 is also filed praying for passing appropriate order stopping construction at the suit property and for maintaining *status quo* as per order dated 09.09.1996.

Learned counsel for plaintiff and defendant's have submitted that *status quo* over the suit property is passed by this court by order dated 09.09.1996 and defendant no. 4 i.e. DM, Patna is allowing construction over suit property in violation of the Court's order. Accordingly DM, Patna and local Thana be directed to maintain *status quo*.

Heard plaintiff and defendant no. 6, 8 and 9. Perused, record. It transpires that some plaintiff's petitions were filed before Covid-19 Pandemic Lockdown and rest plaintiff's petitions were filed on reopening of court after lockdown whereas both defendant's petitions were filed after Lockdown. Also perused plaintiff's petition dated 06.12.2019 wherein it has

been not objected by defendant no. 6 and 8. In the said petition plaintiff learned advocate has endorsed that learned of defendant no. 4 has refused to received the copy. With regard other defendants, plaintiff learned advocate has endorsed that learned counsel of defendants did not meet and copies are attached. Petitions filed by defendants 6 and 8 has also similar endorsement. The court is also aware of the fact that court's normal functioning was hampered due to Covid – 19 lockdown and several guidelines were passed by Hon'ble High Court with regard to hearing of petitions during lockdown. All petition's either filed on behalf of plaintiff and defendant has not been provided to all the defendants for one or other reasons and all other defendants are absent. The court has just opened after Covid – 19 National Lockdown and most parties to suit are absent. Court is of opinion that it would be in interest of justice to provide one more opportunity to absent defendant to come to the court for hearing. The court is opinion that it would not be in interest of justice to pass any appropriate and justified order in absence and without hearing to all defendant. Accordingly, plaintiff and defendant no. 6 and 8 are directed to serve copies of their respective petitions on all absent defendants. O/c is also directed to get record seen by learned counsel of all absent defendants. All parties to the suit are directed to be well represented in court on next date. Put for further proceeding on 26.03.2021.

Dictated

Sub Judge - II