

In the court of Sub Judge – II, Patna City

T.S. - 67/95

14-09-21

Record is produced for order.

Order

A petition dated 24.06.2021 is filed on behalf of plaintiff u/o 151 C.P.C, wherein it is contended on behalf of petitioner that this court vide order dated 09.04.2021 directed D.M, Patna as well as S.S.P., Patna to maintain *status quo* over schedule – I property at present suit and accordingly letter no. 146 dated 02.06.2021 and letter no. 147 dated 06.06.2021 is also sent to concerned authority to compliance. But the authorities are not complying with the order and the said order has already violated by authorities by demolishing 25% of the Pacca construction over the suit property. Accordingly, it is prayed that the court may be please to take appropriate action under 151 C.P.C for protecting interest of the party to the suit. Copy of said petition has been received by defendant no. 4, 6, 7, 8 and 9. A copy of said petition is attached for defendant no. 2, 3 and 5.

Heard plaintiff, all present defendants and perused record alongwith order dated 09.04.2021 passed by this court. It transpires that order dated 09.04.2021 is passed by this court in connection with several petitions filed on behalf of plaintiff and defendants, out of which, similar petition u/s 151 C.P.C is also filed on behalf of plaintiff with regard to similar relief as prayed in present petition. From perusal of order dated 09.04.21, it transpires that court has passed detailed order with regard to remedy available to the parties in cases of breach of *status quo* order and directed the parties to come the court u/o 39 rule 2 (A) C.P.C. through proper established procedure, vide last para of the order dated 09.04.2021 and the court has refused to passed any order u/o 151 C.P.C. It also transpires that the plaintiff has again filed this petition u/o 151 C.P.C. for grant of similar relief and same appears to be devoid of any legal ground. Accordingly, petition is rejected. Put for 21.10.2021 for further proceeding.

Dictated

Succ. Sub Judge - II