

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 59 of 2017

Manoj Kumar @ Manoj Kumar Sharma & Ors. Appellants
Versus

Surya Bhan Sharma & Ors. ... Respondents

CORAM : HON'BLE MR. JUSTICE DR. S.N. PATHAK

For the Appellants : Mr. Amar Kumar Sinha, Advocate
Mr. Amitabh, Advocate

For the Respondents : Mr. Rahul Kumar Sinha, Advocate

I.A. No. 10706 of 2018

19/ 12.10.2022 Heard Mr. Amar Kumar Sinha, learned counsel appearing for the appellants and Mr. Rahul Kumar Sinha, learned counsel appearing for the respondents.

This interlocutory application has been filed under Order 41 Rule 5 of the Civil Procedure Code for extension of the interim order of stay passed by this Court on 02.02.2017.

At the very outset, learned counsel for the appellants draws the attention of this Court towards the earlier order dated 02.02.2017, whereby the Court has been pleased to stay the operation of the impugned order dated 17.01.2017 passed in M.J.C. No. 154 of 2002. Further vide order dated 16.12.2019, the interim protection granted to the appellants vide order dated 02.02.2017 was ordered to be continued.

Since earlier a Coordinate Bench of this Court has already stayed the operation and implementation of the impugned order dated 17.1.2017 passed in M.J.C. No. 154 of 2002 and the same has been extended also, this Court finds that prime facie case is made in favour of the appellants. Balance of convenience also lies in favour of the appellants.

However, learned counsel appearing for the respondents vehemently opposes the contention of learned counsel for the appellants.

In the facts of this case, the operation, implementation and execution of the order dated 17.1.2017 passed in M.J.C. No. 154 of 2002 which has already been stayed, shall remain in force till further orders.

The aforesaid interlocutory application stands allowed.

(Dr. S. N. Pathak, J.)