

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Miscellaneous Appellate Jurisdiction)
M. A. No. 156 of 2012

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Dr. Rekha Rani Singh Appellant

Versus

Dineshwar Prasad Sinha & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

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For the Appellant : Mr. Shashank Shekhar, Advocate

For the Respondent :

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14/25.06.2020

Heard, learned counsel for the appellant, Mr. Shashank Shekhar.

Learned counsel for the appellant has submitted that the notices have been issued upon the respondent nos.1 to 3 and as per order dated 29.01.2016, the same has been validly served upon respondent nos. 2 & 3. So far respondent no.1 is concerned, he is resident of Patna, the substituted service of notice has also been issued against him, but even then he has not appeared.

Learned counsel for the appellant has submitted that respondent no.1, Dineshwar Prasad Sinha is not appearing before learned Trial Court but the subsequent alleged purchaser, Niranjana Kumar and Dr. Smt. Rekha Kumari are contesting the suit before the learned trial court and they are not appearing before this Court in the present matter, which has been preferred against the refusal of the injunction order passed by the learned trial court as the plaintiff/appellant is in possession of the suit land.

Under the aforesaid circumstances, the appellant is directed to serve notice upon contesting respondents/defendants, Niranjana Kumar and Dr. Smt. Rekha Kumari before the learned trial court through their learned counsel(s). The learned Sub-Ordinate Judge-I, Ranchi shall ensure the service of notice upon respondent nos. 2 and 3 Niranjana Kumar and Dr. Smt. Rekha Kumari and take affidavit from both the defendants that they shall appear before this Court within a period of two weeks.

Put up this case after four weeks. So as to consider the impugned order.

However, this Court is not inclined to grant any stay to the impugned order in absence of the contesting respondents. The learned Trial Court shall proceed in accordance with law for disposal of the appeal.

(Kailash Prasad Deo, J.)