

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.289 of 2013

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Manish Kumar son of Sri Manas Shaw resident of Mohalla- Dih Jamalpur, Sadar Bazar, P.O & P.S- Jamalpur, District- Munger.

.... Appellant

Versus

1. Sri Ashok Shaw son of Late Etwari Shaw
2. Sri Apurb Kumar son of Sri Ashok Shaw
Both Permanent residents of M/S Ramkishun Shaw, Etwari Shaw Bari Dariapur Petrol Pump Jamalpur, P.O. and P.S. Jamalpur, District-Munger, at present both defendants have been residing at 3rd Floor, Swayamprabha Apartment, Opposite Road no. 3, Ashok Nagar Ranchi-834002

....Defendants- Respondents

3. Sri Manas Shaw son of Late Etwari Shaw, resident of Mohalla- Dih Jamalpur Sadar Bazar, P.O. & P.S.- Jamalpur, District- Munger.

..... Plaintiff- Respondent

.... Respondents

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Appearance :

For the Appellant/s : Mr. Birendra Singh, Advocate

For the Respondent/s : Mr. R.S. Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-11-2015

Heard the counsel for the appellant.

In the present case, the appellant is challenging the order dated 05.03.2013 passed by the learned Sub Judge-1st, Munger by which the Court has refused to grant injunction in favour of the appellant.

Admittedly, the family has two Petrol Pumps, one at Munger and another is at Jamalpur. Munger Petrol Pump is run by the present appellant whereas Jamalpur Petrol Pump is run by Respondent. The only grievance has been raised by the appellant that

it is being managed through Ravi Gupta, which has been disputed by the other side.

The counsel for the appellant shows paragraph 4 of the agreement from which it appears that the two Petrol Pumps were run by the respective parties, profit and loss will be borne by respective parties. The Court has arrived at a finding that there is no material to show that Ravi Gupta has been appointed to look after and manage the Petrol Pump at Jamalpur.

This Court does not find any error in the impugned order. Accordingly, this appeal is dismissed.

The court below is directed to expedite the trial.

(Shivaji Pandey, J)

Vats/-

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