

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6192 of 2016

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Lalit Kumar

.... Petitioner/s

Versus

Sanjukta Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-07-2016

Heard learned counsel, Mr. Sudhir Kumar, appearing
for the petitioner.

2. It appears that injunction application was filed by the plaintiff-petitioner in T.S. No. 99 of 2011 praying for restraining the defendants from making any construction and alienating the suit property. The Pleader Commissioner was appointed by the trial court and report was submitted. After considering the submissions of the parties and considering the Pleader Commissioner's report in great detail, the trial court held that the plaintiff has got no *prima facie* case. The trial court appears to have relied various decisions and then recorded finding that the balance of convenience is also not in favour of the plaintiff. Accordingly, the trial court has rejected the injunction application.

3. M.A. No. 18 of 2012 was filed by the petitioner. The lower appellate court considering the fact that nothing has been

produced by the appellant-petitioner to show that the defendants are trying to sell the property or they have negotiated to sell the property or they have entered with an agreement with anybody already dismissed the appeal and confirmed the trial court judgment.

4. In view of the above fact when the courts below have considered the report of the Pleader Commissioner and passed the orders, this Court cannot re-appreciate the same and take another view in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Thus, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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