

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11352 of 2015

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Shatrughan Prasad

.... Petitioner/s

Versus

Badre Alam & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-04-2016

Heard the learned senior counsel, Mr. S.S.Dvivedi for the petitioner.

It appears that the plaintiff-petitioner filed Title Suit No.566 of 2013 for declaration of title and for setting aside the sale deed of the year 1932. In the said suit, prayer was made for restraining the defendants-respondents from forcefully making construction over the suit property and for restraining them from transferring the suit property. The trial court rejected the injunction application by order dated 14.12.2013. Misc. Appeal was filed being M.A. No.22 of 2013. The 9th Additional District Judge, East Champaran at Motihari by order dated 20.04.2015 dismissed the appeal.

From perusal of the impugned order, it appears that while considering the prima facie case of the plaintiff-petitioner, the Courts below have considered various evidences and materials

which were produced before the Court in the suit and after appreciating the materials recorded finding that the plaintiff-petitioner has got no prima facie case for the grant of injunction.

Now, therefore, in exercise of supervisory jurisdiction, under Article 227 of the Constitution of India, this Court cannot substitute its own finding after re-appreciating the said materials and facts for the purpose of supervising the orders passed by both the Court below particularly when the findings are concurrent findings. Further, if ultimately the plaintiff's suit will be decreed, he will get the relief. Therefore, I find no reason to interfere with the impugned order.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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