

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13268 of 2015

=====

1. Manish Kumar Mishra Son of Late Amarnath Mishra Resident of Village
- Karjain Bazar, P.S. - Karjain Bazar, District - Supaul.

.... Petitioner/s

Versus

1. Indramohan Mishra
2. Jagat Mohan Mishra
3. Vishnu Mohan Mishra
4. Subodh Kumar Mishra
5. Sudhir Kumar Mishra
6. Suresh Kumar Mishra All Son of Late Dinanath Mishra Resident of
Village - Karjain Bazar, P.S. - Karjain Bazar, District - Supaul.
7. Asha Devi wife of Late Amar Nath Mishra
8. Manoj Kumar Mishra Son of Late Amar Nath Mishra All residents of
village - Karjain Bazar, P.O. + P.S. - Karjain Bazar, District - Supaul.
9. Ranjana Devi Wife of Late Suryanath Mishra
10. Rishikesh Mishra son of Late Surya Nath Mishra Both residents of
village - Karjain Bazar, P.O. + P.S. - Karjain Bazar, District - Supaul.
11. Parmeshwar Prasad Son of Dayanand Paswan Resident of Village -
Karjain Bazar, P.S. - Karjain Bazar, District - Supaul.
12. Jagdish Sah
13. Yugal Sah Both son of Late Saryug Sah
14. Ganpat Dagaa
15. Sita Ram Dagaa Both son of Late Ram Chandra Dagaa
16. Sita Ram Dagga
17. Lalit Kumar Dagga Both son of Late Laxmi Narayan Dagaa
18. Gosai Sah son of Khubi Sah
19. Geeta Devi wife of Late Shyam Sunder Yadav All residents of village -
Karjain Bazar, P.O. + P.S. - Karjain Bazar, District - Supaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 25-01-2016

Heard learned counsel for the petitioner.

One defendant has filed this application under Article
227 of the Constitution of India for setting aside the order dated
07.08.2015 passed by the Sub- Judge, 1st, Birpur in T.S. No. 30 of
2009, whereby the learned Judge has directed the plaintiff to file

application for injunction.

The learned counsel for the petitioner submitted that while dismissing the injunction application filed by the plaintiff earlier on the prayer of the plaintiff, the court below could not have directed the plaintiff to file a fresh injunction application.

Perused the order. The application filed by the plaintiff has been annexed as annexure- 2. From the margin of this application, it appears that the Presiding Officer passed an order to the effect that after hearing both the parties, injunction applications dated 06.02.2009 and 07.04.2015 are dismissed as withdrawn with liberty to file fresh injunction application. It appears that while incorporating this order in the order sheet, Peskar instead of liberty has written 'as directed' and taking advantage of this mistake, this application has been filed.

In view of the above facts, since the liberty has been granted to the plaintiff to file fresh injunction application and while passing the order, in place of liberty, it has been mentioned 'as directed', therefore, no interference can be made in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

brajesh/-

U			
---	--	--	--