

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4222 of 2013

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Bhubneshwar Kamat S/O Late Mangal Kamat Resident Of Village
Kumrauli, P.O. Shapur, Majhaul, P.S. Nauhatta, District- Saharsa

.... Petitioner.

Versus

1. Dukha Kamat Village Kumrauli, P.O. Shapur, Majhaul, P.S. Nauhatta,
District- Saharsa
2. Bhajan Kamat Village Kumrauli, P.O. Shapur, Majhaul, P.S. Nauhatta,
District- Saharsa
3. Govind Kamat Village Kumrauli, P.O. Shapur, Majhaul, P.S. Nauhatta,
District- Saharsa

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

3 25-01-2016 Heard Mr. Mishra, the learned counsel appearing
for the petitioner.

Calling in question the appellate order passed by
the learned appellate court below rejecting the appeal filed by the
defendant-petitioner against the order dismissing his petition for
injunction, the present application under Article 227 of the
Constitution of India has been filed.

After considering the submissions made on
behalf of the petitioner and perusal of the impugned order, it is
manifest that the learned appellate court below has taken into
notice the stand of the plaintiff-respondent before it that they do
not intend to dispossess the defendants or enter into any

transaction for the suit land with any person. The learned appellate court below after taking into the aforesaid stand and considering the other facts and circumstances of the case has come to the conclusion that the defendant-petitioner has no prima facie case in their favour and the balance of convenience or irreparable injury also do not lie in their favour. Accordingly, the order of the trial court regarding the prayer for injunction has been affirmed. This Court has not been persuaded, during the course of submission on behalf of the appellant, to interfere with the concurrent finding of both the courts below.

The writ application is accordingly dismissed.

(V. Nath, J)

Nitesh/-

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