

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18827 of 2015

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Chandeshwar Singh & Anr

.... Petitioner/s

Versus

Naresh Prasad Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 29-06-2016

Heard learned counsel Mr. V.K. Sharma for the
petitioners.

From perusal of the impugned judgment passed by the
lower appellate court in Miscellaneous Appeal No.19 of 2010, I
find that the lower appellate court has only allowed the
miscellaneous appeal and has set aside the order dated 07.12.2010
passed by Munsif-II, Samastipur in Title Suit No.27 of 2010. No
order has been passed with respect to the relief claimed by the
plaintiff in the injunction application. The present petitioners have
not been restrained by order of the lower appellate court. The
lower appellate court has nowhere stated in the judgment the relief
to which the plaintiff-appellant-respondent is entitled. Therefore,
when the lower appellate court has merely set aside the order
passed by the trial court, there cannot be any presumption that
injunction application has either been allowed or the petitioners

herein have been restrained. In my opinion, therefore, there is no question of being aggrieved by the petitioners arises.

I, therefore, find that the impugned judgment needs no interference in supervisory jurisdiction. Accordingly, this writ application is disposed of with the aforesaid observation.

(Mungeshwar Sahoo, J)

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