

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7797 of 2015

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Md. Shafikul & Ors

.... Petitioner/s

Versus

Awadhesh Kumar Singh @ Laltun Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 07-04-2016 Heard learned counsel Mr. Rajeev Ranjan Jha for the
petitioners.

This application under Article 227 of the Constitution of India has been filed against the judgment and order dated 28.02.2015 passed by 2nd Additional District Judge, Darbhanga in Miscellaneous Appeal No.01 of 2010 whereby the lower appellate court has dismissed the miscellaneous appeal and confirmed the order dated 19.01.2010 passed by Subordinate Judge-I, Benipur in Title Suit No.64 of 2009 whereby the trial court has rejected the injunction application under Order 39 Rule 1 and 2 of the Code of Civil Procedure.

From perusal of the order, it appears that the defendants also claimed possession over the suit property. The plaintiffs filed injunction application praying for restraining the defendants from interfering with the peaceful possession of the plaintiffs. The trial

court as well as the appellate court after considering the case of the parties recorded finding that the plaintiffs have got no prima facie case and accordingly rejected the injunction application which was confirmed by the appellate court. Now, therefore, this Court finds no illegality in the impugned orders passed by the courts below nor it can be said that the orders passed by both the courts below suffer from jurisdictional error. This court is not exercising either revisional jurisdiction or appellate jurisdiction and in exercise of supervisory jurisdiction cannot substitute its own finding in place of the finding of both the courts below. I, therefore, find no reason to interfere with the impugned order.

Thus, this writ application is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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