

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5152 of 2014

=====

Kumari Kunwar & Anr

.... Petitioner/s

Versus

Ram Pujan Singh & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-01-2016

Heard learned counsel Mr. Bashisht Narayan Mishra

for the petitioners.

This application under Article 227 of the Constitution of India has been filed by the plaintiff-petitioners against the order dated 22nd January, 2014 passed by Adhoc Addl. Sessions Judge-V, Saran at Chapra in Miscellaneous Appeal Case No. 04 of 2013 whereby the Court below dismissed the appeal and thereby confirmed the order of the trial Court dated 30.01.2013 rejecting the injunction application filed by the plaintiff-petitioner.

Perused the order passed by the court below. It appears that suit for injunction was filed by the plaintiff praying for restraining the defendant who interfered with the possession of the plaintiff over Schedule-1 of the plaint. It is also stated that the defendant's alleged sale deed is forged, fabricated and the defendants never came in possession of the Schedule-1 property.

The defendants filed written statement. Thereafter, injunction application was filed for temporary injunction. The defendants filed rejoinder claiming that in fact they are in possession of four kathas land purchased by them by registered sale deed of the year 1964, the trial Court on the basis of the pleadings and submissions of the parties recorded clear findings that the plaintiff has neither prima-facie case nor balance of convenience is also in favour of the plaintiff and there is no question of serious loss or injury arises and accordingly, rejected the injunction application, the appellate Court also after recording the same finding has dismissed the appeal.

From perusal of the appellate order, it appears that there was controversy regarding the possession of the parties. In such circumstances the orders passed by the Court below cannot be interfered with in supervisory jurisdiction under Article 227 of the Constitution of India.

Thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

ravi/-

U			
---	--	--	--