

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14086 of 2014

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1. Birendra Singh @ Premchand Singh son of Late Kamta Singh alias Kamlesh Singh Resident of village - Dhuraki, P.S. - Dinara, District - Rohtas.

.... Petitioner/s

Versus

1. Malti Devi wife of Anil Singh Resident of village - Semari, P.S. - Karghar, District - Rohtas.
2. Mithlesh Singh Son of Late Jitan Singh
3. Bishwanath Singh
4. Jawahar Lal @ Munni Lal Singh null
5. Jag Narayan Singh All sons of Late Kalicharan Singh
6. Mahendra Singh
7. Surendra Singh
8. Dineshwar Singh Sons of Jawahar Lal alias Munilal Singh
9. Keshwar Singh
10. Akhileshwar Singh sons of Jag Narayan Singh
11. Harendra Singh (Minor)
12. Raghvendra Singh (Minor)
13. Rinki Kumari (Minor)
14. Renu Kumari (Minor) All are sons and daughters of Mahendra Singh through Mahendra Singh who is the father and natural guardian. All residents of Village - Dhuraki, P.S. - Dinara, District - Rohtas.
15. Dhanbarta Devi D/o Mahendra Singh, W/o Niraj Singh @ Manoj Singh resident of Village - Baya Dehri, P.O. - Belwai, P.S. - Karakat, District - Rohtas.
16. Abhishek Kumar Singh (Minor)
17. Nitish Kumar Singh (Minor)
18. Nirbhay Kumar Singh (Minor)
19. Pinki Kumari (Minor) Nos. 16 to 19 are sons and daughters of Surendra Singh through Surendra Singh who is their father and natural guardian All are residents of Village - Dhurki, P.S. - Dinara, District - Rohtas.
20. Rang Lal Singh
21. Rang Bahadur Singh



22. Jang Bahadur Singh

23. Lakshuman Singh @ Ramdeo Singh All sons of Late She Pragas Singh All are residents of Village - Dhuraki, P.S. - Dinara, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, ADv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 03-10-2016

Heard Mr. Rajani Kant Singh, learned counsel for the petitioner.

The petitioner is aggrieved by the rejection of his prayer in the suit for partition for grant of injunction restraining the plaintiff from transferring the suit property during the pendency of the suit.

The petitioner who was defendant in the suit alleged in his petition that the plaintiff of the suit for partition had transferred some of the properties and was further proposing to transfer more properties. The trial court after hearing the parties came to the conclusion that there was no prima facie case in favour of the petitioner for grant of injunction and the balance of convenience was also not found in his favour. It was also held that the petitioner would suffer no irreparable loss in case of refusal of his prayer. In appeal by the petitioner, the appellate court below on reappraisal of facts as well



as materials on record has concurred with the findings of the trial court and dismissed the appeal.

After considering the submissions and perusal of the orders of both the courts below, this Court has not been persuaded that the view taken by both the courts below concurrently can be said to be perverse or unreasonable in any manner.

In jurisdiction under Article 227 of the Constitution of India the facts and evidence cannot be reappreciated in order to reach to a different conclusion in case of the concurrent finding of fact. This Court, therefore, is not inclined to interdict the impugned order.

The application is, accordingly, dismissed.

The trial court, however, is directed to expedite the hearing of the suit.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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