

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6381 of 2014

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Awadhesh Tiwari

.... Petitioner/s

Versus

Chandahas Mani & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 18-02-2016 Heard learned counsel Mr. Ranjan Kumar Dubey for the petitioner and learned counsel Mr. Nagendra Rai for the respondents.

The lower appellate court has dismissed the appeal and confirmed the order passed by the trial court granting injunction in favour of the plaintiff. Both the courts below recorded the finding that the plaintiff is in possession of the property and is making construction and has filed the suit for title and permanent injunction restraining the petitioner from interfering with the possession and making construction of the house on the plaintiff's land. Both the courts below recorded the finding that the plaintiff is in possession of the property and is making construction and there was good prima facie case for the grant of injunction.

In view of the findings of the courts below I find no merit to interfere with the orders particularly when the lower

appellate court has clearly held that this construction that may be made by the plaintiff will be subject to decision of the case and construction will be at the risk of the plaintiff and the plaintiff will not claim equity.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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