

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19623 of 2015

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1. Hardeo Sah son of Late Bhatu Sah Resident of village - Bishanpur, P.S. Muffasil (Khagaria), District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Khagaria.
2. Doman Sharma, Mukhiya (Now Ex.) Gram Panchayat Raj Dhusmari Bishanpur, P.S. Muffasil (Khagaria), District - Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 01-07-2016 Heard Mr. Dronacharya, learned counsel for the petitioner.

The application filed by the petitioner under Order 39 Rule 2(A) C.P.C., was rejected by the trial court on that ground that there is nothing to show that why was the nature of construction of prior to passing the injunction order. The petitioner thereafter filed Misc. appeal before the lower appellate court. The learned 1st Additional District Judge, Khagaria, by order dated 24.09.2015, passed in Misc. Appeal No. 08 of 2012 dismissed the appeal and thereby confirmed the order passed by the trial court.

It is admitted fact that the suit filed by the plaintiff for declaration of title is still pending. In view of the finding

recorded by the trial court which has been confirmed by the appellate court, in exercise of supervisory jurisdiction, this court can not re-appreciate the materials and then for the purpose of supervising the orders can substitute its own finding.

Thus, I find no reason to interfere with the impugned orders in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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